



Mayor
ROB MEDINA
Deputy Mayor
KENNY JOHNSON
Councilmembers
JEFF BAILEY
RANDY FOSTER
DONNY FELIX

AGENDA

Regular Council Meeting 2021-07 Thursday

**March 18, 2021 - 7:00 PM
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

CALL TO ORDER:

INVOCATION:

1. Richard Spellman - Resident, Palm Bay.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Two (2) vacancies on the Building Construction Advisory Committee (represents 'at-large' positions).++
2. One (1) vacancy on the Business Improvement District Board (represents 'at-large' position).++
3. One (1) vacancy on the Community Development Advisory Board (represents 'residential home building', 'actively engaged in home building', 'employer within the City', or 'for-profit provider' positions).++
4. Two (2) vacancies on the Recreation Advisory Board.++
5. Three (3) vacancies on the Youth Advisory Board (represents 'at-large student member' positions).++
6. Two (2) vacancies on the Youth Advisory Board (represents 'adult member' positions).++

AGENDA REVISIONS:

CONSENT AGENDA:

There will be no separate discussion on those items listed under Consent Agenda. They will be enacted by the City Council on one motion. If discussion is desired by the City Council, that item will be removed from the Consent Agenda by Council and will be considered in the order that it appears on the agenda.

1. Adoption of Minutes: Regular Council Meeting 2021-05; February 18, 2021.
2. Award of Proposal: Feasibility study, environmental assessment for water quality restoration of Turkey Creek - RFP 04-0-2021 – Public Works Department (Geosyntec Consultants, Inc. - \$149,000 (grant-funded)).
3. Contract: Reverse Osmosis Rehabilitation Engineering, North Regional Water Treatment Plant - TO 01-2019-005 - Utilities Department (Tetra Tech - \$158,145).
4. Miscellaneous: Continuing consultant services, facilities maintenance engineering (multi-discipline) – RFQ 15-0-2021 – Facilities Department (Graef-USA, Inc.; Architects RZK, Inc.; and Construction Engineering Group, LLC); and authorize staff to negotiate Master Consultant Agreements.
5. Resolution 2021-13, extending the commencement period for a conditional use granted for retail automotive gas/fuel sales in CC (Community Commercial District) zoning (1.5 acres) (Case CU-2-2019), Carmel Development LLC).
6. Resolution 2021-14, authorizing the submission of a grant application to the Florida Inland Navigation District (FIND) for for the replacement of existing and permitted navigable channel markers along Turkey Creek.
7. Ordinance 2021-14, amending the Code of Ordinances, Chapter 54, Franchises, by repealing the subchapter titled 'Solid Waste Collection', in its entirety, first reading.
8. Ordinance 2021-15, amending the Code of Ordinances, Chapter 54, Franchises, by creating a new subchapter to be titled 'Solid Waste Collection', first reading.
9. Ordinance 2021-16, amending the Code of Ordinances, Chapter 150, Solid Waste Management, subchapters 'General Provisions' and 'Solid Waste Collection', by modifying and updating provisions contained therein, first reading.
10. Consideration of the Bayfront Community Redevelopment Agency 2020 Annual Report.
11. Consideration of a Strategic Alliance Memorandum with the U.S. Small Business Administration in order to strengthen and expand small business development in the local area.
12. Consideration of a grant application for the Victims of Crime Act through the Office of the Attorney General.
13. Consideration of a grant application to the Scotts Field Refurbishment Program.
14. Consideration of utilizing General Fund to cover additional funding for three (3) locations in the Safe Routes to School (SRTS) project (\$18,421).
15. Acknowledgment of concept paper and authorize submission of a grant application for the Speeding and Aggressive Driving Program through the Florida Department of Transportation.
16. Acknowledgement of the City's monthly financial report for January 2021.

RECOGNITIONS AND PROCLAMATIONS:

1. Honoring Nicholas F. Tsamoutales, City Attorney/City Attorney Emeritus.

PRESENTATIONS:

1. Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce – quarterly update.

PUBLIC COMMENTS/RESPONSES:

Public comments will be heard by the City Council on non-agenda issues. Speakers must

complete 'Public Comment Cards' (orange) and are limited to three (3) minutes each.

PUBLIC HEARINGS:

1. Ordinance 2021-09, amending the Code of Ordinances, Chapter 59, Quasi-Judicial Proceedings, by modifying procedures contained therein, final reading.
2. Ordinance 2021-10, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', by modifying the Rules of Procedure for meeting frequency and quorum requirements, final reading.
3. Ordinance 2021-11, granting approval of a Final Development Plan for a proposed single-family residential Planned Unit Development (PUD) to be known as 'The Preserves at Stonebriar Phase II' on property located north of the Melbourne Tillman Drainage District Canal 41-R, in the vicinity between Cogan and Windbrook Drives (28.878 acres) (Case FD-4-2021, Forestar USA Real Estate Group, Inc.) (Quasi-Judicial Proceeding), final reading.
4. Ordinance 2021-12, amending the Code of Ordinances, Chapter 51, Public Hearings, by modifying provisions for withdrawal and denial of public hearing requests (Case T-6-2021, City of Palm Bay), final reading. (Councilman Bailey)
5. Ordinance 2021-17, vacating a portion of the rear public utility and drainage easement located within Lots 33 and 34, Block 1842, Port Malabar Unit 39 (Case VE-1-2021, Richard Defay), first reading.
6. Ordinance 2021-18, vacating a portion of the rear public utility and drainage easement located within Lot 17, Block 2367, Port Malabar Unit 45 (Case VE-2-2021, David Devenney), first reading.
7. Consideration of the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program for Fiscal Year 2019-2020.

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Sustainability Board.
2. Appointment of one (1) adult member to the Youth Advisory Board.

COMMITTEE AND COUNCIL REPORTS:

1. Committee/Council Reports

NEW BUSINESS:

1. Resolution 2021-15, naming two (2) baseball fields located at Fred Poppe Regional Park (Roberto Clemente Sports Complex) in honor of Jackie Robinson and Hank Aaron. (Councilman Foster)
2. Consideration of Letters of Intent for the purchase of three (3) parcels known as Pelican Harbor Marina.
3. Consideration of the GO Road Bond Paving Program – Phase 3, including the addition of Madden Avenue in Unit 49 (\$44,030,177).

ADMINISTRATIVE AND LEGAL REPORTS:

PUBLIC COMMENTS/RESPONSES: Speakers are limited to 3 minutes.

ADJOURNMENT:

Councilmembers who are members of the Space Coast Transportation Planning

Organization (TPO) may discuss TPO issues which may subsequently be addressed by the TPO.

If an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required, and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the City Clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the Clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (Section 59.03, Palm Bay Code of Ordinances).

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.

Pursuant to Council Policies and Procedures, members of the public wishing to use electronic media when addressing City Council must provide the electronic file to staff for screening no later than 2:00 P.M. on the day of the meeting; audio presentations must be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting.

THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE AND TELEVISED ON THE SPACE COAST GOVERNMENT TV CHANNEL.



LEGISLATIVE MEMORANDUM

DATE: 3/18/2021

RE: Adoption of Minutes: Regular Council Meeting 2021-05; February 18, 2021.

ATTACHMENTS:

Description

Minutes - RCM 2021-05

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2021-05

Held on Thursday, the 18th day of February 2021, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 7:00 P.M.

Pastor David Myers, Eastwind Pentecostal Church, was not in attendance. Associate Pastor Tim Ritchey gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Robert Medina	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Randy Foster	Present
COUNCILMEMBER:	Donny Felix	Present
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Present was Laurence Bradley, Growth Management Director.

ANNOUNCEMENTS:

Deputy Mayor Johnson announced the following vacancies and terms expiring, and solicited applications for same:

- 1. One (1) vacancy on the Community Development Advisory Board (represents 'residential home building', 'actively engaged in home building', 'employer within the City', or 'for-profit provider' positions).++**
- 2. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++**
- 3. Two (2) terms expiring on the Building Construction Advisory Committee (represents 'at-large' positions).++**
- 4. Two (2) terms expiring on the Recreation Advisory Board (represents 'at-large' positions).++**

- 5. Two (2) terms expiring on the Youth Advisory Board (represents 'at-large student member' positions).++**
- 6. Three (3) terms expiring on the Youth Advisory Board (represents 'adult member' positions).++**
- 7. One (1) vacancy on the Sustainability Board (represents 'at-large' position).+**

AGENDA REVISIONS:

1. Ms. Sherman announced that Item 2, under Consent Agenda, relating to Resolution 2021-09, authorizing the permanent closure of Osmosis Drive, was inadvertently placed under consent and had been moved on the agenda to be heard as Item 8, under Public Hearings.

CONSENT AGENDA:

All items of business under the 'Consent Agenda' heading were enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, that the Consent Agenda be approved as presented. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

1. Adoption of Minutes: Regular Council Meeting 2021-02; January 21, 2021.

The minutes, considered under Consent Agenda, were approved as presented.

2. Resolution 2021-09, authorizing the permanent closure of Osmosis Drive for the purpose of protection of public health and safety during heavy construction at the South Regional Utilities Campus. (AGENDA REVISION - MOVED TO ITEM 8, UNDER PUBLIC HEARINGS)

The item, announced under Agenda Revisions, was moved to Item 8, under Public Hearings.

3. Consideration of a Letter of Intent from Frigate's Holdings, LLC for the purchase of three (3) parcels known as Pelican Harbor Marina.

Staff Recommendation: Authorize the City Manager to execute the Letter of Intent from Frigate's Holdings, LLC, and to engage in further discussions with the buyer to bring back an offer to Council for future consideration.

The item, considered under Consent Agenda, was approved as recommended by City staff.

4. Award of Bid: Plan, Review and Building Inspection Services - IFB 09-0-2021 - Building Department (multiple vendors - \$474,102).

Staff Recommendation: Award the bid for plan, review, and building inspection services to Bureau Veritas North America (Orlando); C.A.P. Government, Inc. (Coral Gables); Joe Payne, Inc. (Tampa); PDCS, LLC (Orlando); SAFEbuilt, LLC (Loveland, CO); and Universal Engineering Sciences (Rockledge), for an initial term of twelve (12) months, with the option for staff to renew for four (4) additional twelve (12) month periods, up to a cumulative of sixty (60) months, in an estimated amount of \$474,102 for Fiscal Year 2021.

The item, considered under Consent Agenda, was approved as recommended by City staff.

5. Miscellaneous: Rubber Tire Excavator, additional funding request - Public Works Department (\$17,247).

Staff Recommendation: Approve the appropriation of \$17,247 from the General Fund Undesignated Fund Balance in order to fund the purchase of a Volvo 150 E Rubber Tire Excavator.

The item, considered under Consent Agenda, was approved as recommended by City staff.

6. Consideration of funding for the Police Academy Sponsorship Non-Certified Recruits (\$43,722).

Staff Recommendation: Approve the appropriation of \$43,722 from the General Fund Undesignated Fund Balance to cover Police Academy Sponsorship Non-Certified Recruits.

The item, considered under Consent Agenda, was approved as recommended by City staff.

7. Acknowledgement of the City's monthly financial report for December 2020.

The item, considered under Consent Agenda, was acknowledged by the City Council.

8. Acknowledgement of Investment Performance Review Report, prepared by PFM Asset Management, LLC, for the quarter ended December 31, 2020.

The item, considered under Consent Agenda, was acknowledged by the City Council.

RECOGNITIONS AND PROCLAMATIONS:

The proclamations were read.

- 1. Celebrating Black History Month, Palm Bay Magnet High School - February 2021. (Deputy Mayor Johnson)**
- 2. Black History Month, Recognizing Jerry Taylor and William Capote - February 2021. (Deputy Mayor Johnson)**

PRESENTATIONS:

- 1. Chris Dougherty, S&ME, Inc. - Overall Process for Visioning Study and Full-Scale Comprehensive Plan Update.** Mr. Dougherty advised that the purpose of the Vision Plan was to establish the community's desired direction for the future. Immediate next steps included stakeholder group meetings, creating web-surveys and a social pinpoint site, and holding public workshops. He said that the visioning process should be completed by the end of the year, and the comprehensive plan process should be completed by 2023. Mr. Dougherty further explained the process of updating the Comprehensive Plan.

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

Individuals made general comments.

PUBLIC HEARING(S):

- 1. Ordinance 2021-06, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Palm Bay Infrastructure Advisory and Oversight Board', by reinstating the board and revising the sunset date to December 31, 2023, final reading.**

The City Attorney read the ordinance in caption only.

The public hearing was opened. Mr. Bailey asked if Council should reaffirm the appointments to the board. Ms. Smith answered that once the ordinance was passed, Council should confirm the appointments under Council Reports. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2021-06. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Ordinance 2021-07, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Country Club Drive, in the vicinity east of Riviera Drive and west of Port Malabar Boulevard, from Single Family Residential Use to Multiple Family Residential Use (9.99 acres)(Case CP-2-2021, Palm Bay Greens, LLC), only one reading required.

The Planning and Zoning Board recommended that the request be approved, subject to staff's conditions.

The City Attorney read the ordinance in caption only. The public hearing was opened. Bruce Moia, MBV Engineering and representative for the applicant, presented the request to Council.

Mr. Bradley reiterated that staff recommended the following conditions if the request was approved: a) at the time of development plan submittal, the property owner shall submit a traffic impact analysis and Phase One Environmental Study; b) a School Capacity Determination Letter shall be obtained from the Brevard County School Board; and c) the maximum density shall be capped at five (5) units per acre.

Attorney Jack Spira, representative for the applicant, advised City Council of emails he had received from neighborhood residents and his responses to same.

Numerous property owners from the area spoke against the request. Comments included too much density, increased traffic, elimination of green space, increased flooding which would make the area a mandatory flood zone, devaluation of existing homes, and incompatibility with surrounding neighborhood. A petition was submitted by residents of the Island Green Villas Association Inc. It was requested that Council require that the applicant meet with residents of Bimini Bay Subdivision, Island Green Villas and the Port Malabar Country Club Community Association; and to retain the Single-Family Residential Use and deny the Multiple Family Residential Use request.

Mr. Moia advised that the project changed numerous times before being presented to Council. It was felt that creating a Planned Unit Development (PUD) allowed for the most tree preservation and addressed compatibility. He said that placing single family in between two multi-family developments would not be smart development. The proposed

duplexes would mirror the lot and unit sizes of Bimini Bay. The eight hundred (800) square foot size was a Code minimum. Mr. Moia answered questions posed by councilmembers. Mr. Spira advised that all arsenic had been remediated.

Mr. Bradley said that flood zones would be determined by the Florida Emergency Management Agency and there were no active Code violations on the property. Mr. Bradley answered questions posed by councilmembers.

Mr. Bailey asked if it was possible to have a traffic study done without know the zoning and site plan. Mr. Bradley said a conceptual study could be performed.

Deputy Mayor Johnson asked if the applicant would agree to tabling the item and to have an additional meeting with the community. Mr. Moia answered that the applicant would want to move forward tonight but would honor the desire of Council.

Mayor Medina asked if the applicant would be willing to increase the square footage of the duplexes to be compatible with the existing 1,300 square foot duplexes. Mr. Moia was agreeable to the amendment. Mr. Bailey said the condition would be part of the zoning and not the land use request.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-07, subject to the following conditions: a) at the time of final development plan submittal, the property owner shall submit a traffic impact analysis and Phase One Environmental Study; b) a School Capacity Determination Letter shall be obtained from the Brevard County School Board; c) the maximum density shall be capped at five (5) units per acre.

Mr. Foster said there was an agreement in 2015 approved by Council and he wanted to abide by that agreement. He felt it would be a traffic nightmare. He said the property was zoned for single-family homes and single-family homes should be built there. He did not feel it was the proper location for duplexes.

Mr. Bailey said the agreement in 2015 was upheld as the applicant had developed single-family homes in the first four phases of the site. He said, at that time, the former Growth Management Director made references to conditions that could be implemented but those conditions were not part of Council's motion. He added that the density was less than what currently existed.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Bailey	Yea
Councilman Foster	Yea
Councilman Felix	Nay

A brief recess was taken after which time the meeting resumed.

3. Resolution 2021-10, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan for a residential subdivision to be known as ‘The Reserve at Country Club Lake Estates’, which property is located north of and adjacent to Country Club Drive, in the vicinity east of Riviera Drive and west of Port Malabar Boulevard (74.24 acres) (Case PD-2-2021, Palm Bay Greens, LLC) (Quasi-Judicial Proceeding).

The Planning and Zoning Board recommended that the request be approved, subject to the staff comments contained in the Staff Report.

The City Attorney read the resolution in caption only. The public hearing was opened. Bruce Moia, MBV Engineering and representative for the applicant, presented the request to Council. He said the applicant agreed to increasing the minimum square footage to 1,300 square feet, and no two-story homes would be built along the perimeter that abutted other single-family homes.

Mr. Bradley reiterated that staff recommended the following conditions if the request was approved: a) a preliminary subdivision plat and Opinion of Title; b) Declaration of Covenants and Restrictions establishing development standards; c) Construction drawings; d) a Concurrency Determination letter from the School Board of Brevard County; e) an Environmental Study shall be provided that included a Wetland and Endangered Species Assessment; f) a Remedial Action Plan, approved by the Florida Department of Environmental Protection (FDEP), for mitigation of potential soil contaminants; g) the applicant was required to design water and sewer systems of adequate size to accommodate the development and depict such design on construction drawings; h) a traffic impact analysis that included the A.M. and P.M. trip generations in conformance with ITE Trip Generation Manual 10th Edition; and i) provide benches and a walking trail within Tract OS-D.

Individuals spoke against the request stating there was no room for water runoff, need for additional egress, increased traffic, and too much density.

There was discussion between Council and Mr. Moia regarding lot sizes and square footage. Mr. Bailey asked if the applicant would agree to minimum size homes of 1,800 square feet. Mr. Moia said he would agree to 1,600 square feet but would need authority from the application for 1,800. The applicant was also agreeable to a minimum of 1,300 square feet for the duplexes and having an additional meeting with the residents.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Felix, to adopt Resolution 2021-10, subject to the staff comments contained in the Staff Report and the following items being submitted or completed with a Final PUD application: a) a preliminary subdivision plat and Opinion of Title; b) Declaration of Covenants and Restrictions establishing development standards; c) Construction drawings; d) a Concurrency Determination letter from the School Board of Brevard County; e) an Environmental Study shall be provided that included a Wetland and Endangered Species Assessment; f) a Remedial Action Plan, approved by the Florida Department of Environmental Protection (FDEP), for mitigation of potential soil contaminants; g) the applicant was required to design water and sewer systems of adequate size to accommodate the development and depict such design on construction drawings; h) a traffic impact analysis that included the A.M. and P.M. trip generations in conformance with ITE Trip Generation Manual 10th Edition; i) provide benches and a walking trail within Tract OS-D; j) single family homes shall have a minimum square footage of 1,600 square feet; k) duplexes shall have a minimum square footage of 1,300 square feet; and l) applicant shall have an additional meeting with area property owners.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Bailey	Yea
Councilman Foster	Yea
Councilman Felix	Nay

4. Ordinance 2021-08, completing an Evaluation and Appraisal Report (EAR) and amending the City's Comprehensive Plan Capital Improvements Element, Coastal Management Element, Infrastructure Element, Intergovernmental Coordination

Element, and Transportation Element (Case CP-3-2021, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Foster, to approve Ordinance 2021-08. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

5. Resolution 2021-11, granting a conditional use to allow for expansion of an existing mining/excavation operation in GU (General Use Holding District) zoning on property located west of and adjacent to Babcock Street, in the vicinity north of Centerlane Road (19.93 acres) (Case CU-37-2020, Babcock, LCC) (Quasi-Judicial Proceeding).

The Planning and Zoning Board recommended that the request be approved, subject to the staff recommendations contained in the Staff Report.

The City Attorney read the resolution in caption only. The public hearing was opened. Attorney Robert Schwerer, representative for the applicant, presented the request to Council.

Bill Battin, resident, asked the effects to the surrounding surface waters from the dewatering at the mining location. Hassan Kamal, BSE Consultants and representative for the applicant, said the dewatering operations were regulated by the St. Johns Water Management District and explained the process for same.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-11, subject to the following conditions contained within the Staff Report: a) the number of people working on the borrow pit operation shall be limited to no more than fifteen (15) equipment operators during excavation and hauling of material; b) all excavation and transportation activities shall be limited to daylight hours only and no work shall take place on Sundays; c) dewatering shall be limited to no more than twelve (12) hours per day; d) access to/from the project shall be from Centerlane Road SE; e) a water truck shall be located on site for dust control; f) there shall be no blasting to remove materials from the borrow pit; g) should the conditional use request be approved by City Council, no mining

activities would be permitted until administrative site plan approval was granted and all applicable permits were obtained; and, h) adherence to all provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

6. Resolution 2021-12, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan for a residential subdivision to be known as 'Cypress Bay West Phase I PUD', which property is located in the vicinities south of Mara Loma Boulevard and west of Babcock Street (77.52 acres) (Case PD-3-2021, Waterstone Farms, LLC) (Quasi-Judicial Proceeding).

The Planning and Zoning Board recommended that the request be approved, subject to the staff comments contained in the Staff Report.

The City Attorney read the resolution in caption only. The public hearing was opened. Jake Wise, CEG Engineering and representative for the applicant, presented the request to Council.

Ron Clare, resident, said there was a concern of changing Kendall Circle to Mara Loma Boulevard. He said there were agreements between Heron Bay and The Lakes to share cost of landscaping along Mara Loma Boulevard. He said costs would increase dramatically for the residents if the road name was changed. Mr. Clare added there was an island in The Lakes Subdivision which the design showed that it was connected to the new development, but the island belonged to The Lakes Subdivision.

Carol Pasquarosa, representative of Waterstone Homeowners Association, commented on the renaming of Kendall Circle and the increased cost to the property owners pursuant to the Shared Facilities Agreement. Ms. Pasquarosa stated other objections to the request including no additional costs for signalizations to residents.

Luciano Flores, representation of Heron Bay Homeowners Association, mirrored the comments of Ms. Pasquarosa. He asked that the item be tabled until the issues were addressed.

Mr. Wise said that, at the request of the two HOA's, the City took over maintenance of the Mara Loma Boulevard in 2013. The agreement discussed by the residents was for the maintenance of the landscaping. Mr. Wise responded to the comments by the residents and provided further details of the project. He said the applicant would be happy to keep

Kendall Circle named as is or agree with a condition that the landscaping maintenance would not extend beyond where Mara Loma Boulevard currently ended. He also agreed to mitigating the noise and to meet with residents in the area.

Mr. Bradley asked that the road name condition not be implemented until submission of the final plan.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Felix, to adopt Resolution 2021-12, subject to the staff comments and the following items being submitted with a Final PUD application, and the removal of (d) below: a) a preliminary subdivision plat and a boundary and title opinion; b) deed restrictions establishing development standards and minimum dwelling sizes; c) Tract R-1 would need to depict the future amenity with architectural drawings and be shown on the plan. The plan would need to indicate if the amenity center was for all of Cypress Bay West or just for Phase 1. Staff recommended that the amenity be built prior to the CO of the 115th lot to ensure the amenity is provided commensurate with development of this project; ~~d) Kendall Circle would need to be revised on the plans and changed to Mara Loma Boulevard;~~ e) Garabaldi "Lane" would need to be changed to Garabaldi "Circle"; f) Dugan "Circel" would need to be corrected to Dugan "Circle"; and, g) The technical comments generated by the Development Review Staff shall be observed and incorporated into all future subdivision designs.

Mr. Bailey said he preferred a continuous street name and as long as an agreement could be reached between the applicant and the HOA's for the landscaping, he supported the request with the street name change.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

7. Consideration of a CARES Act Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan.

The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the CARES Act Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan allocating a

total of \$458,099 in CDBG-CV funds to eligible programs and activities. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

8. Resolution 2021-09, authorizing the permanent closure of Osmosis Drive for the purpose of protection of public health and safety during heavy construction at the South Regional Utilities Campus. (AGENDA REVISION)

The City Attorney read the resolution in caption only. The public hearing was opened. Ms. Sherman presented the request to Council.

Bill Battin, resident, said there were no residents on that street and felt there was no safety issue but understood the purpose of the closure.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Resolution 2021-09 until December 31, 2022. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

PROCUREMENTS:

1. Contract: Banking Services, one-year extension - Finance Department (JP Morgan Chase).

Staff Recommendation: Approve the one-year extension of contract 61-0-2015 for Banking Services with JP Morgan Chase, N.A.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the one-year extension to the contract. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

COMMITTEE AND COUNCIL REPORTS:

Councilmembers addressed various subject matters and provided updates on activities of agencies and boards on which they served as members.

1. Mr. Felix appointed Zachary Clerveaux-Jean to the Youth Advisory Board.

2. Mr. Foster reiterated his comment from the last meeting that he wanted to recognize the employees from the Police and Fire Rescue Departments in May. He would communicate with the City Manager and appropriate staff. Mayor Medina suggested that the Star-Spangled Banner be sung at that time as well. Council concurred.

3. Mayor Medina suggested the notice to property owner's requirement be increased from the five hundred (500) foot radii to one thousand (1000) feet or more. He wanted to work with staff on same. Council concurred.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to reaffirm the appointments to the Infrastructure Advisory and Oversight Board as follows:

Mayor Medina – Patrick Woodard;

Deputy Mayor Johnson – Ann Marie Fraser;

Councilman Bailey – Thomas Gaume;

Councilman Foster – Paul Edwards;

Councilman Felix – Terry Muller;

At-Large Member – Rebecca Thibert; and

At- Large Member – David Jones

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

NEW BUSINESS:

1. Acknowledgement of Budget Monitoring Report for Fiscal Year 2021 Quarter 1 (Unaudited).

Staff Recommendation: Acknowledge receipt of the Fiscal Year 2021 Quarter 1 Budget Monitoring Report.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to acknowledge receipt of report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Consideration of Councilmembers attending the Florida Black Caucus of Local Elected Officials Conference from March 18-19, 2021, in Kissimmee.

Bill Battin, resident, said Palm Bay was a diverse community and questioned why an item would be presented that promoted racial separation and placing racial identity on an organization.

Mr. Bailey said he did not agree with a lot of the additional conferences within the core of the Florida League of Cities (FLoC). He felt the only benefit received from the FLoC was the insurance it provided to the City. Mr. Foster said his main purpose was to enhance his ability to be a better councilmember by networking and learning from colleagues from other municipalities and governmental agencies.

Councilman Foster and Councilman Felix announced that they would be attending the conference. Council concurred.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman made several announcements and provided an update regarding Republic Services, Inc. She advised that staff should be receiving Republic's monthly report within the next week so that City staff could finalize the letters to send to Republic for the monthly performance violations since the onset of the contract. Ms. Sherman noted other issues that needed to be addressed by Republic.

PUBLIC COMMENTS/RESPONSES:

There were no public comments.

ADJOURNMENT:

There being no further business, the meeting adjourned on Friday, February 19, 2021, at the hour of 1:09 A.M.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Frank Watanabe, Public Works Director, City Engineer; and Juliet Misconi, Chief Procurement Officer

DATE: 3/18/2021

RE: Award of Proposal: Feasibility study, environmental assessment for water quality restoration of Turkey Creek - RFP 04-0-2021 – Public Works Department (Geosyntec Consultants, Inc. - \$149,000 (grant-funded)).

On July 2, 2020, City Council approved a grant for \$160,000 with the Florida Department of Environmental Protection to perform a pre-design study of the environmental, ecological, and economic impact of sediment island and muck removal in Turkey Creek. The Grant scope of work includes a conclusion as to whether restoring Turkey Creek to its pre-1950's condition is feasible and providing a pre-engineering design report that will detail the scope of the problem in the analysis area and outline design options for dredging, disposal, and a plan for upstream water quality projects to maintain the health of the 'Creek'. The scope also included restoring the water quality of Turkey Creek, so that it once again becomes safe for recreation, fish, shellfish, and dependent populations to flourish as they have previously. At the request of the Public Works Department, the Procurement Department solicited proposals on behalf of the City for consulting services to perform the scope of the grant. Firms were also asked to provide a list of future recommended studies and/or projects, an estimated cost of those studies and/or projects in priority order.

Three (3) proposals were received. The Procurement Department staff reviewed the proposals for responsiveness. The proposals were evaluated by a committee consisting of qualified staff from the Public Works, Growth Management, and Utilities departments, who assigned points for non-price factors such as Summary of Qualifications and Technical Proposal. Points for cost were determined by the Procurement Department. See attached Scoring-Ranking form. The Evaluation Team unanimously recommended vendor out of Titusville, Florida as the top-ranked vendor for award.

Geosyntec Consultants' proposal was the highest ranked for both summary of qualifications and technical proposal and received the highest points for cost. The Evaluation Team noted that they are suited for the job through their demonstrated staff qualifications. For example, eight of the eleven proposed team members had PhDs. In addition, their technical proposal had a well thought out flow chart which was methodical, organized, detailed, and met the scope of work precisely. Geosyntec's (prime) daily business is focused on large scale efforts of water quality remediation similar to those requested as a part of this study. One of their sub-consultants, Applied Ecology Inc. has very specific knowledge of the requirements of this study, having conducted previous studies within Turkey Creek including groundwater seepage and impacts. The wealth of experience of this team

was demonstrated in the awarded team's impressive resume, response, organization, and specificity of their proposal.

Staff is not requesting any additional budget for contingencies currently. The recommended awarded proposal is \$11,000 below the grant award of \$160,000, which can be used for contingencies or scope revision. Staff may negotiate with the awarded firm to expand the final scope to include additional water quality testing, if necessary.

REQUESTING DEPARTMENT:

Public Works, Finance, Procurement

FISCAL IMPACT:

The requested grant-funded project will provide zero fiscal impact to the City. Geosyntec's proposal, which was also the lowest proposal, was \$149,000. Staff is requesting to negotiate the final scope of work. Total project award will not exceed the budgeted amount. Funds are available in Stormwater Utility Fund G/L account 301-7090-539-3108, project 20PW02.

RECOMMENDATION:

Motion to approve staff to negotiate a final agreement and subsequently award RFP #04-0-2021/JM, Feasibility Study – Environmental Assessment for the Water Quality Restoration of Turkey Creek to Geosyntec Consultants, Inc. located in Titusville, Florida.

ATTACHMENTS:

Description

Scoring-Ranking Form

RFP #04-0-2021/JM
Feasibility Study - Environmental Assessment for the Water Quality Restoration of Turkey Creek
Final Ranking

CRITERIA - TOTAL 100 POINTS

Summary of Qualifications = 30 points

Technical Proposal = 50 points

Cost = 20 points

Optional Short List - Oral Presentations = 10 points

		Dredging and Marine Consultants, LLC	Geosyntec Consultants	MBV Engineering, Inc.
		4643 S. Clyde Morris Blvd., Unit 302 Port Orange, FL 32129	6770 S. Washington Ave, Suite 3 Titusville, FL 32780	1250 W. Eau Gallie Blvd., Unit H Melbourne, FL 32935
EVALUATION CRITERIA	POSSIBLE POINTS			
Summary of Qualifications	30	20.00	28.00	18.00
Technical Proposal	50	26.67	43.33	30.00
SUBTOTAL (1) NON-PRICE FACTORS	80	46.67	71.33	48.00
Cost	20	18.63	20.00	18.65
SUBTOTAL (2) POINTS	100	65.29	91.33	66.65
SHORT LIST - ORAL PRESENTATIONS	10	N/A	N/A	N/A
TOTAL SCORE	100	65.29	91.33	66.65

Final Ranking

1 - Geosuntec Consultants

2 - MBV Engineering

3 - Dredging and Marine Consultants, LLC

RFP #04-0-2021/JM
Feasibility Study - Environmental Assessment for the Water Quality Restoration of Turkey Creek
Cost Multiplier Calculations

Budget: \$160,000

COMPANY NAME	PROPOSAL COST	LOWEST COST PROPOSED	% OF LOW	MULTIPLIER	TOTAL POINTS ASSIGNED
Dredging & Marine Consultants, LLC	\$ 160,000.00	\$ 149,000.00	93.1%	20	18.63
Geosyntec Consultants, Inc.	\$ 149,000.00	\$ 149,000.00	100.0%	20	20.00
MBV Engineering, Inc.	\$ 159,786.00	\$ 149,000.00	93.2%	20	18.65

NOTES:

Dredging and Marine Consultant's proposed fee was a range of \$149,900 to \$160,000. Because no other proposer was afforded that opportunity, points for cost were calculated as shown above.

RFP #04-0-2021/JM
Feasibility Study - Environmental Assessment for the Water Quality Restoration of Turkey Creek
Initial Scoring

Summary of Qualifications = max 5 points x 6 = max 30 total						
	Daniel	Patrick	Natalie	Average	Multiplier	TOTAL
COMPANY NAME	Cardona	Murphy	Shaber			POINTS
Dredging & Marine Consultants, LLC	3	4	3	3.33	6	20.00
Geosyntec Consultants, Inc.	4	5	5	4.67	6	28.00
MBV Engineering, Inc.	2	4	3	3.00	6	18.00
Technical Proposal = max 5 points x 10 = max 50 total						
	Daniel	Patrick	Natalie	Average	Multiplier	TOTAL
COMPANY NAME	Cardona	Murphy	Shaber			POINTS
Dredging & Marine Consultants, LLC	3	3	2	2.67	10	26.67
Geosyntec Consultants, Inc.	3	5	5	4.33	10	43.33
MBV Engineering, Inc.	3	4	2	3.00	10	30.00

TOTALS COMBINED	
Dredging & Marine Consultants, LLC	46.67
Geosyntec Consultants, Inc.	71.33
MBV Engineering, Inc.	48.00



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Christopher A. Little, P.E.; Juliet Misconi, Procurement Director

DATE: 3/18/2021

RE: Contract: Reverse Osmosis Rehabilitation Engineering, North Regional Water Treatment Plant - TO 01-2019-005 - Utilities Department (Tetra Tech - \$158,145).

Task Order 01-2019-002, North Regional Treatment Plant Upgrades, amount \$59,695 for a preliminary design investigation for the RO plant, was approved by council on April 9, 2020. The goal of the Task Order was to evaluate the Utilities' Departments options to provide additional treatment capacity at the NRWTP. It was determined that the most feasible option to increase plant capacity was to restore the RO plant, which was inactivated in 2009 as a cost-savings measure, and also install a new deep injection well to dispose of the concentrate (brine) generated from the RO plant.

As a result of the preliminary engineering investigation, Tetra Tech has submitted Task Order 01-2019-005 for North Regional Water Treatment Plant (NRWTP) Reverse Osmosis Rehabilitation Engineering. The scope of work under this task order is for preliminary design services to restore the Reverse Osmosis (RO) water treatment plant to full operation, to provide one (1) additional raw water well, and to provide one (1) deep injection well to dispose of concentrate (brine).

Services for final design, permitting, bidding and construction administration will be performed under separate task orders.

In accordance with the provisions of Section 287.055, Florida Statutes for Consultants Competitive Negotiation Act (CCNA), the Procurement Department solicited qualification submittals on behalf of the Utilities Department from firms to provide design, permitting, funding assistance, bidding assistance and construction management services for the expansion of the South Regional Water Treatment Plant (SRWTP), and for the rehabilitation of the reverse osmosis plant at the North Regional Water Treatment Plant (NRWTP). On January 3, 2019, City Council approved the execution of a Master Agreement for RFQ#47-0-2018/JM for these consulting services.

Staff has reviewed the scope of work and requests council approval to proceed with Task Order 01-2019-005 in the amount of \$158,145.

REQUESTING DEPARTMENT:
Utilities, Procurement

FISCAL IMPACT:

The total amount for the task order is \$158,145. Funds are available in the Utilities Department's Renewal/Replacement Fund 424-8022-533-6221, project 21WS14.

RECOMMENDATION:

Motion to authorize the execution of Tetra Tech Task Order 01-2019-005 for the NRWTP Reverse Osmosis Rehabilitation Engineering, against the Master Agreement, total amount \$158,145.

ATTACHMENTS:**Description**

Tetra Tech Task Order 01-2019-005



February 23, 2021

Mr. Christopher Little, P.E.
City of Palm Bay
250 Osmosis Dr. SE
Palm Bay, FL 32909

**Subject: North Regional Water Treatment Plant Upgrades
Task Order 01-2019-005**

Tt # 200-08507-BP

Dear Mr. Little:

Please see attached our revised professional services proposal for the subject Task Order. This proposal now includes preliminary design and site investigations for the proposed upgrades to the North Regional WTP (NRWTP). Final design, permitting, SRF assistance, bidding and construction administration services for the NRWTP upgrades will be provided under separate authorizations.

If you should have any questions, please do not hesitate to contact me at 407-839-3955.

Very truly yours,

Tetra Tech

A handwritten signature in blue ink, appearing to read 'JB' or 'Jon Bundy'.

Jon Bundy, P.E.
Senior Project Manager

Attachments

JCB/ab/SRWTP Expansion/Little_022321.doc

C: Jon Fox, PE Tetra Tech

EXHIBIT I

SCOPE OF SERVICES

CITY OF PALM BAY, FL

PROFESSIONAL SERVICES FOR THE SRWTP EXPANSION AND NRWTP REVERSE OSMOSIS REHABILITATION ENGINEERING

**In Accordance with the City's Master Agreement #47-0-2018/JM
January 9, 2019**

TASK ORDER 01-2019-005

I. PROJECT DESCRIPTION

The City of Palm Bay owns and operates the North Regional Water Treatment Plant (NRWTP), which consists of a lime softening plant and a reverse osmosis (RO) plant. The lime softening plant was originally constructed in 1975 and has gone through multiple expansions and improvements over the years. The lime softening plant utilizes raw water from the surficial aquifer. The RO plant was constructed in 2001 and utilizes groundwater from the Floridan Aquifer. The existing lime softening plant has a rated capacity of 10.0 million gallons per day (MGD) and the existing RO plant has a rated capacity of 1.5 MGD, with an ultimate planned capacity between 3.0 and 4.5 MGD. The RO plant has been offline since January 2009. In order to bring the RO plant back on-line, the City is interested in performing the necessary rehabilitation at the plant to bring it back to reliable operating conditions and meet the City's water quality goals. Tetra Tech recently completed a preliminary design investigation under Task Order 2 to review three alternatives for putting the existing RO plant back on-line. Recommendations from the preliminary design investigations report will serve as the guide for the design approach for this Task Order. Recommendations from the preliminary design investigations report included replacement of the existing RO equipment in the RO Building, replacement of the existing chemical storage and feed facilities associated with the RO facilities, replacement of the permeate degasifier and odor control unit, new RO permeate transfer pumps on top of the existing permeate clearwell, a new deep injection well for concentrate disposal, a new production well to replace RO Well 1 and associated electrical, controls, site and yard piping improvements.

On August 2, 2018, the City of Palm Bay authorized the Utilities Department to enter into negotiations with Tetra Tech, Inc. regarding RFQ No 47-0-2018 for professional architecture and engineering services related to the South Regional Water Treatment Plant (SRWTP) expansion and NRWTP RO rehabilitation design. The scope of services herein is associated with rehabilitation of the RO plant at the NRWTP. Engineering services for this Task Order consist of preliminary design services. Services for final design, SRF assistance, permitting, bidding assistance, construction administration and startup will be performed under separate Task Orders and are not included in the scope of services below. Additionally, the SRWTP Expansion project is being delivered under separate task orders and are therefore not included in the scope of services below.

The exact size and configuration of the proposed facilities remains to be determined; however, the following treatment components to design the improvements of the NRWTP associated with a capacity

of 1.5 MGD have been assumed for this scope. All planning and site layout will address both the initial facilities as well as the contemplated facilities needed under build-out conditions.

- Installation of one (1) new Floridan supply well and well pump,
- Installation of a new deep injection well and dual zone monitoring well and sampling pumps,
- Replacement of four (4) RO pretreatment cartridge filter units and two (2) raw water bypass cartridge filter units,
- Replacement of three (3) RO feed pumps,
- Replacement of three (3) RO skids (0.5 MGD each),
- Replacement of the clean-in-place system,
- Replacement of the antiscalant storage and feed system,
- Replacement of the sulfuric acid storage and feed system,
- Replacement to the sodium hydroxide storage and feed system,
- Replacement of the permeate degasification and odor control system,
- Installation of two (2) RO permeate transfer pumps and piping to connect to the existing lime softening plant finished water line,
- RO Building Modifications
 - Replacement of the existing piping
 - Addition of piping trenches and FRP grating,
 - Rehabilitation of existing building rooms including restroom and office,
- Installation of yard piping, including concentrate line, dual zone monitoring sampling line, raw water main extension to the new well,
- Electrical Modifications to the RO Building:
 - Replacement of the existing main circuit breaker, 480-volt distribution panel, two motor control centers, transformers, and lighting panel,
 - Replacement of the existing lighting,
 - Replacement of the existing conduit and wiring
 - Replacement of the existing PLC panel and instrumentation

- Installation of a new diesel generator and replacement or rehabilitation of the existing diesel fuel storage tanks and fuel piping,
- Installation of an automatic transfer switch,
- Power and controls for the new Floridan supply well.
- Power and controls for the new deep injection well and dual zone monitoring well

II. SCOPE OF SERVICES

TASK 1: PRELIMINARY DESIGN

In general, the preliminary design task will involve gathering information, developing the basis of design, preparing a site and process modification plan, and establishing the configuration and location of the proposed equipment. This task will also include preparation of documents that will support permitting activities relative to the plant upgrades. Tasks to be completed in this phase are described below:

1. Attend a project kick-off meeting with the project team and Palm Bay staff.
2. Perform site visit.
3. Review existing operating data including available chemical dosing and metering pump capacity information and membrane cleaning and normalized performance data.
4. The existing building is a pre-engineered metal building (PEMB) and therefore an analytical study will be performed to review how the original foundation was designed and if adding trenches to the will compromise the design for thrust. If a foundation retrofit is determined to be required, these services will be included in the final design services.
5. Perform process calculations necessary to fully develop a preliminary design that can be used to permit the expansion. Selection of equipment and development of mechanical layouts of new facilities and piping systems.
6. Develop a master site plan for the proposed expansion and components. Tetra Tech is assuming access and roadway improvements around the WTP are not required.
7. Perform new impervious area calculations and evaluate stormwater system impacts and permitting requirements, if any. No wetlands or ecological impacts are assumed within this scope of services.
8. Prepare a preliminary design report that presents the basis of design for the recommended facilities, and the size and configuration of the facilities. The report will be prepared in accordance with the requirements established in Chapter 62-555 Florida Administrative Code (F.A.C.) and will focus primarily on the process, electrical and I&C portions of the facility expansion. Provide the City with one (1) copy of the “draft” preliminary design report and one (1) PDF format for review and comments.

9. Attend a review meeting with City staff to discuss the report, modify the report as required, and develop concurrence regarding the proposed facilities prior to final design. Provide City with two (2) copies of the “final” preliminary design report and one (1) PDF format copy.

Site Investigations

Utility Locates

Utility locates will be performed on existing utilities in the general areas where construction is anticipated, including the proposed supply well and the extended alignment for raw water piping to the well, the proposed deep injection well and dual zone monitoring well and the concentrate piping to the well. area adjacent to the existing RO Process Building. Elevations at crossings and points of connection will be verified with soft digs under final design services.

Topographic Survey

A limited topographic survey will be required to obtain existing grade data at locations of proposed construction. General areas where this survey is to be performed include the proposed supply well and the extended alignment for raw water piping to the well, the proposed deep injection well and dual zone monitoring well and the concentrate piping to the well. area adjacent to the existing RO Process Building. Areas where modifications to existing site grading or drainage associated with these expansion improvements will also be included in the survey, however the survey services are not intended to cover the entire NRWTP site or portions thereof which are not affected by plant improvements. Tree, ecological, and wetland surveys or investigations are not anticipated or included in this proposed scope of services.

Ecological Services

Ecological services will be provided in support of the Facilities Plan for the State Revolving Fund application. These services shall include a listed species assessment, a wetland assessment and a review of state and federal databases to evaluate the potential impact of the project. Findings from the ecological review will be summarized in a report.

III. PROJECT REPRESENTATIVES

City of Palm Bay:	Christopher Little, P.E.
Tetra Tech:	Jarrett Kinslow, P.E. / Jon Bundy, P.E.
Subconsultants:	Electrical, Instrumentation and Control Design – Wade Trim Hydrogeological and Geotechnical – Ardaman and Associates

IV. OWNER'S RESPONSIBILITIES

The City will provide all pertinent information needed for evaluating existing plant operations and treatment goals. The City shall also provide historical operations and maintenance records that should be taken into consideration by Tetra Tech for the design of new equipment or systems to replace existing for remediation or rehab purposes. The anticipated information that is needed was provided during the preliminary design investigations. Additional data required during preliminary design and final design will be requested as needed.

V. DELIVERABLES

- Draft and Final Preliminary Design Report (PDF format/1 Draft and 2 Final Hard Copies)

VI. SCHEDULE

A general project schedule that addresses each activity is presented below, to commence following notice to proceed. We are prepared to proceed immediately upon receipt of the signed contract/purchase order.

Task	Estimated Duration (Days)	Estimated Duration (months)	Cumulative Schedule (months)
Draft Preliminary Design Report	90	3	3
City Review Period	30	1	4
Final Preliminary Design Report	30	1	5


VII. COMPENSATION

The total lump sum compensation for the Scope of Services described in Section II is \$158,145.00. A detailed breakdown of the estimated compensation for the Scope of Services is presented in Exhibit II. The project will be billed monthly as a lump sum based on the percentage complete. A copy of the Subconsultant proposals is provided following Exhibit II.

VIII. ACCEPTANCE

If the above scope and fees meet your approval, please indicate by your signature in the space provided below and return one (1) signed copy which will constitute an Agreement and Notice to Proceed for the accomplishment of this work.

TETRA TECH, INC.



Jon. D. Fox, P.E.
Vice President

February 23, 2021

Date

CITY OF PALM BAY

Date

<div><div>Tt</div><div>Price Proposal</div></div>		Labor Plan																													
		24 Resource																													
Palm Bay NRWTP Upgrades Preliminary Design	Bill Rate >	260.00	253.36	213.13	176.61	151.90	96.88	159.03	124.00	174.07	116.25	118.64	204.04	144.55	210.15	114.02	260.00	187.05	106.58	120.71	164.30	115.51	93.00	74.40	97.77						
Preliminary Design for Upgrades to the City's NRWTP	Proj Area >																														
Submitted to: City of Palm Bay (Attn: Chris Little)																															
Contract Type: Lump Sum																															
	Total Labor Hrs																														
Project Phases / Tasks	852	Sr. Engineer	Sr Engineer (Process)	Sr Project Manager	Engineer V Process	Engineer IV (Process)	Engineer II (Process)	Sr CAD/Eng Designer II (Process)	Sr CAD/Eng Designer I (Process)	Engineer V (Civil)	Engineer III (Civil)	Sr CAD/Eng Designer I (Civil)	Sr Architect	Architect	Sr. Engineer (Structural)	Engineer III (Structural)	Sr Engineer (Electrical/Instrumentation) QA/QC	Engineer V (Mechanical)	Engineer III (Mechanical)	GIS Project Analyst II	Sr. Land Surveyor	Survey Crew Chief	Survey Tech	CAD Designer I (Survey)	Project Administrator	Labor	Subs	Travel	ODCs	Task Pricing Totals	
		8	26	58	56	130	148	60	4	10	12	4	2	4	8	24	2	12	12	4	16	80	80	60	32	115,484	40,951	1,461	250	158,145	
Task 1 - Preliminary Design Report	852	8	26	58	56	130	148	60	4	10	12	4	2	4	8	24	2	12	12	4	16	80	80	60	32	115,484	40,951	1,461	250	158,145	
Kick off Meeting	14		4	4		4																			2	2,669		87		2,756	
Site Visit	20			4		4	4			4								4								3,292		87		3,379	
Data Review, Preliminary Projections and Calculations	92		2	8	16	20	24			2	8							4	8							13,279				13,279	
Structural review of existing PEMB Foundation	24										2				4	20										3,121				3,121	
Preliminary Process Schematics and Diagrams	32			4		8		20																		5,248				5,248	
Preliminary Process Mechanical Layouts	50		2	4	4	8	8	24																		7,873				7,873	
Index of Specifications, List of Manufacturers	22			2		8	12																			2,804				2,804	
Design Criteria	60		8	8	8	16	20																			9,513				9,513	
Opinion of Probable Costs	60			2	8	12	20	4			4					4		2	4							7,957				7,957	
Draft Preliminary Design Report	154	8	4	8	16	24	40	8		4		4	2	4	4		2	2		4					20	22,747				22,747	
Prelinary Design Review Meeting	14		4	4		4																			2	2,669		87	75	2,831	
Final Preliminary Design Report	54		2	4	4	12	20	4																	8	7,244			75	7,319	
Eletrical and I&C Services	-																										24,158				24,158
Site Investigations	256	-	-	6	-	10	-	-	4	-	-	-	-	-	-	-	-	-	-	-	16	80	80	60	-	27,067	16,793	1,200	100	45,160	
Surveying	242			2		4															16	80	80	60		24,807		1,200	100	26,107	
Utility Locates	8			2		2			4																	1,226	12,173			13,399	
Ecological Services	6			2		4																				1,034	4,620			5,654	
Totals	852	8	26	58	56	130	148	60	4	10	12	4	2	4	8	24	2	12	12	4	16	80	80	60	32	115,484	40,951	1,461	250	158,145	

NORTH REGIONAL WATER TREATMENT PLANT (NRWTP) EXPANSION PRELIMINARY DESIGN SERVICES

**January 20, 2021
TASK ORDER NO. 5**

SECTION I: BACKGROUND

On August 2, 2018, the City of Palm Bay authorized the Utilities Department to enter into negotiations with Tetra Tech, Inc. regarding RFQ No 47-0-2018 for professional architecture and engineering services related to the South Regional Water Treatment Plant (SRWTP) expansion and North Regional Water Treatment Plant (NRWTP) reverse osmosis rehabilitation design.

In 2019, under Task Order No. 1, Wade Trim served as the electrical and instrumentation / controls engineering sub-consultant on the project consisting of expanding the existing treatment capacity of the SRWTP from 4.0 MGD to 6.0 MGD. Engineering services by Wade Trim consisted of preliminary design, final design, and permitting assistance. This effort was completed in the February 2020.

Under this Task Order No. 5, Wade Trim has been requested by Tetra Tech to serve as the electrical and instrumentation engineering subconsultant for the North Regional Water Treatment Plant (NRWTP) reverse osmosis rehabilitation preliminary design. The mechanical engineering related to the generator fuel piping and diesel storage tank is also included.

The following describes the scope of work, schedule, and fee by Wade Trim to assist Tetra Tech with during the preliminary design phase of the North Regional RO Water Treatment Plant expansion. 30% design, final design, bidding services, and construction administration services are not included within the Task Order No. 5 Scope of Work.

SECTION II: SCOPE OF WORK

Wade Trim will provide project management services over the course of the project to include project set up, planning, tracking, monthly billing with status report and coordination with prime.

Task 1 – Data Collection and Preliminary Design

Preliminary data such as record drawings have been collected for the existing RO WTP and a Preliminary Design Investigation report completed. Based on the findings of the report, an electrical one-line diagram will be completed. One (1) site visit from the lead electrical engineer is proposed. Additional site visits requested by Tetra Tech will be invoiced at Wade Trim's standard billing rate. Budget has been included for a kickoff meeting and conference calls with the Tetra Tech design team.

This task assumes that electrical design drawings (other than the one-line diagram), instrumentation drawings, specifications, and cost estimate associate with a 30% design will be performed under a future task order.

SECTION III: PROJECT REPRESENTATIVES

Tetra Tech: Jon Bundy, PE
407-480-3904
jon.bundy@tetrattech.com

Wade Trim: Oscar E. Duarte, P.E.
321-728-3389
oduarte@wadetrim.com

SECTION IV: SCHEDULE

Work will begin within 7 days of original notice-to-proceed (NTP) and will follow the schedule presented to the City during the RFQ selection process unless otherwise modified in writing.

SECTION V: BASIS OF COMPENSATION

The fee for the scope of work described above, shall not exceed a total lump sum fee of **\$21,962.00** and shall not exceed the amounts shown in the table below for each specific task. Tetra Tech shall compensate Wade Trim on a monthly basis based on mutually agreed upon percentages.

TASK	DESCRIPTION	FEE
1	Data Collection and Preliminary Design	\$ 21,962.00
	TOTAL	\$ 21,962.00

At the direction of Tetra Tech, Wade Trim may be requested to provide additional services. These additional services will be billed at the standard hourly billing rates listed below.

Senior Project Manager - \$215 / hr
Senior Electrical Engineer - \$230 / hr
Electrical Engineer V - \$175 / hr

Consultant's Scope of Services

For

Ecological Services

Howe Ecological LLC ("**Consultant**") is pleased to provide this Scope of Services for ecological services to **Tetra Tech**, 201 East Pine Street, Suite 1000, Orlando, FL 32801, here in after referred to as "**Client**." The Client requested ecological services in support of the **City of Palm Bay NRWTP Facilities Plan** project located on Brevard County parcels 28-37-26-00-262 (12.2 ac) and 28-37-26-FN-6-1 (28.87 ac) with a street address of 1105 Clearmont St, Palm Bay, FL 32905(attached) here in referred to as the "**Site**."

The Facility Plan is to be prepared and submitted to the Florida Department of Environmental Protection (FDEP) in support of the Client's application for a Drinking Water State Revolving Fund application. The basis of this scope of services is **Section III Environmental Review** of the FDEP **DW Planning Document Review Checklist** (attached).

A. SCOPE OF SERVICES

Task 1.0 Facility Plan Environmental Support Document

- 1.1 Listed Species Assessment** - The occurrence or potential use of the Site by species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and U.S. Fish and Wildlife Service (USFWS). The assessment will include a search available FWC and USFWS wildlife database records for known records of site occurrences and field reconnaissance and an assessment of impacts to protected flora and fauna if necessary.

Species specific surveys, management plans, and permit applications are not included.

- 1.2 Wetland Assessment** – Potentially jurisdictional wetlands on the Site will be mapped based on the methodologies detailed in Chapter 62-340 F.A.C for the Florida Department of Environmental Protections (FDEP), State of Florida Water Management Districts, and the U.S. Army Corps of Engineers Wetlands Delineation Manual.

Field flagging and survey of the wetland line is not included.

- 1.3** State and federal databases will be used to evaluate the potential impact of the project on:
- 1.3.1 Surface Water and Groundwater
 - 1.3.2 Prime Agricultural land
 - 1.3.3 Archaeological and Historical Sites
 - 1.3.4 Floodplains
 - 1.3.5 Air Quality
 - 1.3.6 Minority or low-income communities

- 1.4 Report** – A report suitable for submittal with permit applications will be provided to the Client summarizing the findings.

The Environmental Document will be submitted to the USFWS for technical assistance and comment if the results of the assessment determine it is necessary.

B. ADDITIONAL SERVICES

Consultant will provide Additional Services as mutually agreed upon between Consultant and the Client.

C. PROJECT SCHEDULE

Consultant is prepared to begin work on the Sites immediately upon receipt of this executed Scope of Services. Howe Ecological, in consultation with the Client, shall perform its work in such a manner as to comply with a mutually agreed schedule.

D. COMPENSATION

Client will be billed for the authorized and completed tasks only. All fees will be billed lump sum on a percent complete basis for consultant fees as listed below in **Table 1**.

Table 1 Fee Schedule

Tasks		Fees
1.0	Facility Plan Environmental Support Document	\$ 4,200.00

E. CLIENT RESPONSIBILITIES

Client shall be responsible for all other aspects of the Site not specifically assigned to Consultant under this Scope of Services or any subsequent request (and acceptance) for Additional Service. Such as:

1. Client shall provide full information to Consultant regarding Site requirements and constraints including, without limitation, a program setting forth the Client's objectives, and shall provide all applicable existing entitlements, data, drawings, information or other resources requested by Howe Ecological that are necessary for completion of the Site.
2. Client shall comply with any schedule requirements made known to the Client by Howe Ecological and, in any event, shall be available to meet with Howe Ecological and provide decisions in a timely manner throughout the Site.
3. Client shall provide access to the site.
4. Client is responsible for provided professional licensed survey and engineering services.
5. This scope does not include professional survey services, geotechnical, surface water or effluent water or air quality sampling or testing, or archaeological services.

F. Action of Agencies Not Guaranteed – Howe Ecological will exercise professional skill in executing its services, however, it cannot and does not guarantee the action of any governmental official, agency or judicial proceeding.

DW PLANNING DOCUMENT REVIEW CHECKLIST Exhibit Water-01La

The basis for this checklist is Section 62-552.700 F.A.C. of the Rule. The questions below are used to verify that the planning requirements of the rule have been met. Complete the questions by checking the appropriate response or providing the requested information.

SECTION I. GENERAL

1) Project Number and Sponsor _____

Is this an amended facilities plan review? Yes ☐ No ☐

2) List below the title, date and author of all major reports, sources of information, documents, and correspondence that comprise the complete planning document. These documents may be referenced by section or page number on the "source" line in subsequent questions.

3)

Is there sufficient illustrative and descriptive detail of the project to identify project location and existing and proposed service areas? Yes ☐ No ☐

Sources/Comments:

4) Is a description of the existing water system and its performance provided? Yes ☐ No ☐

Sources/Comments:

5) Briefly describe the major components of the proposed project.

6)

What is the need or justification for the project and what are the environmental and economic impacts and benefits of the project?

DW PLANNING DOCUMENT REVIEW CHECKLIST Exhibit Water-01La

- 7) Are there any problems with the existing water system associated with water quality, public health hazards, low system pressure, inadequate capacity, or any other problems? (Verify with most current FDEP Sanitary Survey Report) Yes ☐ No ☐

Sources/Comments:

8)

Is a projection of population and water demand (minimum 20-years) and present and historic water usage given? Yes ☐ No ☐

Sources/Comments:

- 9) Is there a description of the O&M program and the capacity (both managerial and technical) of the existing water system? Yes ☐ No ☐

Sources/Comments:

- 10) Is the project sponsor seeking interest rate reductions based on specifics of the project?
Yes ☐ No ☐ N/A ☐

Sources/Comments:

SECTION II COST COMPARISON AND SELECTED ALTERNATIVE

- 1) Do the planning documents discuss the various factors that affect the decision-making process that led to the "selected alternative" and was a rationale for selecting that alternative given?
Yes ☐ No ☐

Sources/Comments:

- 2) Is a cost comparison of at least three alternatives documented? Yes ☐ No ☐

Sources/Comments:

- 3) Is a project cost breakdown given and does the total cost reflect the data used in the cost comparison? Yes ☐ No ☐

Sources/Comments:

DW PLANNING DOCUMENT REVIEW CHECKLIST Exhibit Water-01La

- 4) Does the planning document include a description of the recommended facilities, estimated capital costs, estimated operation and maintenance costs, and repair and replacement costs, if applicable? Yes ☐ No ☐

Sources/Comments:

- 5) If this project involves multiple phases, are the capital costs for each phase and the total project costs presented? Yes ☐ No ☐ N/A ☐

Sources/Comments:

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SECTION III ENVIRONMENTAL REVIEW

An environmental review is required for each project to be funded. This review includes the preparation and publication of an Environmental Information Document (EID) by FDEP staff.

- 1) What type EID was issued and what was the date of publication?

FFONSI ☐ FCEN ☐ FEIS/FROD ☐ FRAN ☐ Amended ☐ Date: _____

- 2) If a FCEN was issued, what categorical exclusion criterion has been met? N/A ☐

☐ Rehabilitation of existing facilities or replacement of structures, wells, waterlines, or equipment.

☐ Facilities that will not result in more than a 50% increase of existing public water system capacity and there is no acquisition of land other than easements and rights-of-way where streets have been established, underground utilities installed, building sites excavated, or where such lands have otherwise been disturbed from their natural condition.

☐ Facilities for the disinfection of public water supplies.

☐ Back-up supply wells where, after disinfection, existing water quality meets drinking water standards and there is no acquisition of land.

☐ Facilities that will result solely in the provision of adequate public water system pressure.

- 3) Does the planning document include a list (obtained from the U.S. Fish & Wildlife Service) of threatened, endangered, proposed, and candidate species and designated critical habitats that may be present in the project area? Yes ☐ No ☐ N/A ☐

Sources/Comments:

DW PLANNING DOCUMENT REVIEW CHECKLIST Exhibit Water-01La

- 4) Does the project require U.S. Fish & Wildlife review; and, if so, have comments been issued? Yes ☐ No ☐ N/A ☐

Source/Comments

- 5) Will the proposed project have any significant adverse effects upon flora, fauna, threatened or endangered plant or animal species, surface water bodies, groundwater, prime agricultural lands, wetlands, undisturbed natural areas, archaeological and historical sites, floodplains, or air quality? Yes ☐ No ☐

Sources/Comments:

- 6) Will the proposed project have any significant adverse human health or environmental effects on minority or low-income communities? Yes ☐ No ☐

Sources/Comments:

- 7) List any significant adverse environmental effects and what project features will mitigate such effects? N/A ☐

Sources/Comment:

- 8) Has the project received State Clearinghouse review and approval or has a DEP permit, or permits, been issued for the entire project? Yes ☐ No ☐

Source/Comments:

- 9) If the project involves source water protection or capacity development, has the FDEP Source and Drinking Water Program approval been obtained? Yes ☐ No ☐ N/A ☐

Source/Comments:

SECTION IV PUBLIC PARTICIPATION

- 1) Was a public meeting held to explain the project and the financial impacts to affected parties; and was the public able to participate in evaluating project alternatives? Yes ☐ No ☐

Sources/Comments:

DW PLANNING DOCUMENT REVIEW CHECKLIST Exhibit Water-01La

- 2) Date of Public Meeting _____
- 3) Have copies of the Public Notice and minutes of the public meeting been provided?

Yes ☐ No ☐

Sources/Comments:

SECTION V FINANCIAL FEASIBILITY

- 1) Do the planning documents include completed capital financing or business plan worksheets signed by the chief financial officer or the authorized representative? Yes ☐ No ☐

Sources/Comments:

- 2) Do the planning documents include the proposed system of charges, rates, fees, and other collections that will generate the revenues to be dedicated to loan repayment (e.g. user charge rates)? Yes ☐ No ☐

Sources/Comments:

- 3) Does the financial information demonstrate the ability to repay the loan including the coverage factor? Yes ☐ No ☐

Sources/Comments:

SECTION VI SCHEDULE

- 1) Do the planning documents include a schedule for implementing the proposed project?

Yes ☐ No ☐

Sources/Comments:

- 2) For planning periods exceeding 5 years, has project phasing been considered; and if so, has a schedule been presented for each phase of the planning period? Yes ☐ No ☐

Sources/Comments:

SECTION VII PROJECT AUTHORIZATION

Do the planning documents include an adopting resolution or other action establishing a commitment to implement the planning recommendations, and was the public meeting held before the adopting resolution? Yes ☐ No ☐

DW PLANNING DOCUMENT REVIEW CHECKLIST Exhibit Water-01La

Sources/Comments:

SECTION VIII IMPLEMENTATION

- 1) Is there anything about the proposed project that appears questionable from an engineering, environmental or financial perspective and therefore requires resolution? Yes ☐ No ☐

Sources/Comments:

- 2) List any proposed service agreements or local contracts necessary to implement the selected alternative (i.e. county, city, private entity). Also describe the status of each agreement or contract. N/A ☐

Sources/Comments:

- 3) List any DEP permits (other than a construction permit) needed to implement the selected plan. N/A ☐

Sources/Comments:

- 4) Does the project require approval by the Public Service Commission for expansion of service area or rate increase? Yes ☐ No ☐ N/A ☐

Sources/Comments:

SECTION IX. PLANNING DOCUMENT COMPLETION

- 1) Is the planning document signed and sealed by a professional engineer?

Yes ☐ No ☐

- 2) Has the FEID been mailed to the appropriate parties? Yes ☐ No ☐

- 3) Have the following planning related approval/acceptance dates been entered into the SRF database?

State Clearinghouse Yes ☐ No ☐ N/A ☐

U. S. Fish & Wildlife Yes ☐ No ☐ N/A ☐

USDA Natural Resources Conservation Yes ☐ No ☐ N/A ☐

Corps of Engineers Yes ☐ No ☐ N/A ☐

FDEP Source and Drinking Water Program Yes ☐ No ☐ N/A ☐

FDEP District Office Yes ☐ No ☐ N/A ☐

DW PLANNING DOCUMENT REVIEW CHECKLIST Exhibit Water-01La

Capital Financing Plan (Business Plan) Yes ☐ No ☐ N/A ☐

Date of Public Meeting Yes ☐ No ☐ N/A ☐

Date of Adopting Resolution Yes ☐ No ☐ N/A ☐

EID Publication Date Yes ☐ No ☐ N/A ☐

Facilities Plan Acceptance Date Yes ☐ No ☐ N/A ☐

4) Is the planning document approval letter included with this checklist?

Yes ☐ No ☐

ACCEPTANCE

Project Manager _____

Effective Date

Program Administrator _____



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Greg Minor, Facilities Director; Juliet Misconi, Chief Procurement Officer

DATE: 3/18/2021

RE: **Miscellaneous: Continuing consultant services, facilities maintenance engineering (multi-discipline) – RFQ 15-0-2021 – Facilities Department (Graef-USA, Inc.; Architects RZK, Inc.; and Construction Engineering Group, LLC); and authorize staff to negotiate Master Consultant Agreements.**

In accordance with the provisions of Section 287.055, Florida Statutes for Consultants Competitive Negotiation Act (CCNA), the City of Palm Bay solicited and accepted qualification submittals from individuals and firms who desired consideration to provide Facilities Maintenance Engineering (Multi-Discipline) Continuing Consultant Services for citywide use. These disciplines may be used for any future City projects and needs within the provisions of Florida Statutes. In accordance with Section 287.055, Florida Statutes, continuing contracts for professional services may be used when the estimated construction cost of each individual project under the contract does not exceed \$4 million, for study activity if the fee for professional services for each individual study under the contract does not exceed \$500,000, or for work of a specified nature outlined in the contract.

The scope of work may include general engineering services relating to Facilities Engineering such as general civil engineering services related to site development of public properties including design (such as park design), construction, renovations & rehabilitation, building & property sites assessments, sustainability & energy efficiency design and mechanical and electrical engineering. The ancillary services may also include preparation of plans and specifications, bid preparation, technical specification development, cost estimating, project management, construction monitoring, construction management, contract administration and conceptual design and renderings.

Projects which may be covered by this contract in the next five (5) years include: Fred Poppe Regional Park Campground, new Fire Stations, renovations at Tony Rosa Community Center, Roof Replacements at City Hall and Fire Stations 3 & 4, HVAC and Chiller Replacements throughout the City, and Hardening and Shutters for City Hall.

A Request for Qualifications (RFQ) for Facilities Maintenance Engineering (Multi-Discipline) Continuing Consultant Services was advertised and a total of seven (7) firms responded. The Procurement Department staff reviewed the submittals for responsiveness. The submittals were evaluated by a committee consisting of

qualified staff from the Facilities Maintenance, Public Works and Utilities departments; criteria included evaluation of the firm's project team, firms experience and demonstrated capabilities, and project management and project approach.

Five firms were "short-listed" and subsequently brought in for discussions with the committee and given a final ranking. Following oral discussions, the Evaluation Team recommended award of the top three shortlisted firms for a continuing contract and placed on a rotation list for future projects. They are, in ranking order: 1) Graef-USA, Inc., Maitland, FL; 2) Architects RZK, Inc., Cocoa, FL; 3) Construction Engineering Group, LLC, Melbourne, FL.

Because this is a solicitation for professional engineering services, Florida Statutes §287.055 requires a qualification-based selection; cost cannot be one of those factors. In addition, the three awarded firms cannot compete on cost for Task Order award.

Master Agreements which establish hourly rates per discipline will be negotiated with each firm for this continuing consultant agreement for a one-year term with the option to renew for up to an additional four-annual terms. Individual Task Orders with defined scopes of work will be negotiated and issued throughout the term. Task Orders with dollar values that require Council approval will be brought forward for consideration.

Should the City be unable to negotiate a satisfactory contract with the firms considered to be the most qualified at a price the City determines to be fair, competitive, and reasonable, negotiations with that firm will be formally terminated. The City will then undertake negotiations with the fourth most qualified firm, Don Facciobene, Inc., Palm Bay, FL. If negotiations fail with the fourth most qualified firm, the City will terminate negotiations and only award to those firms with whom they could negotiate successfully.

REQUESTING DEPARTMENT:

Facilities, Procurement

FISCAL IMPACT:

Engineering fees typically run between 8%-12% of the construction value of any given project. Although there are no major projects pending, Engineering services will be needed for the current year and future year projects. Funds will be budgeted each fiscal year for the planned projects. The estimated annual spend for consulting engineering services will vary. Any individual Task Order which equals or is greater than \$100,000 will be brought forward for Council consideration.

RECOMMENDATION:

Motion to approve award of RFQ #15-0-2021/SB, Facilities Maintenance Engineering (Multi-Discipline) Continuing Consultant Services to Graef-USA, Inc., Maitland, FL; Architects RZK, Inc., Cocoa, FL; and Construction Engineering Group, LLC, Melbourne, FL; and 2) authorize the City staff to negotiate Master Consultant Agreements and establish hourly rate schedules for each for a one-year term contract, renewable by the Procurement Department for four (4) additional one-year terms.

ATTACHMENTS:

Description

List of Consultant Services Respondents

Final Scoring-Ranking Matrix



TABULATION
RFQ #15-0-2021/SB
Facilities Maintenance Engineering (Multi-Discipline) Continuing
Consultant Services

The opening for RFQ #15-0-2021/SB was held at 10:00 a.m. on January 13, 2021.

The following people were present:

Matthew Smith, Nick Canjar - Procurement

THE FOLLOWING FIRMS SUBMITTED QUALIFICATIONS:

Architects RZK, Inc.

600 Florida Ave, Ste 201
Cocoa FL 32922
321-631-8039
John.zwick@architectsrzk.com

KMA Engineering & Surveying

80 Royal Palm Pointe, Ste 401
Vero Beach FL 32960
772-569-5505
darreng@kmafla.com

Construction Engineering Group LLC

2651 W Eau Gallie Blvd, Ste A
Melbourne FL 32935
321-253-1221
jwise@cegengineering.com

MBV Engineering Inc.

1250 W Eau Gallie Blvd, Unit H
Melbourne FL 32935
321-253-1510
brucem@mbveng.com

Don Facciobene Inc.

5055 Babcock Street, Ste 4
Palm Bay FL 32905
321-727-7100
mkelley@dfi-gc.com

SGM Engineering Inc.

935 Lake Baldwin Lane
Orlando FL 32814
407-767-5188
tony@sgmengineering.com

Graef-USA Inc.

2300 Maitland Center Pkwy, Ste 210
Maitland FL 32751
407-659-6500
Scott.hinrichs@graef-usa.com

RFQ #15-0-2021/SB
Facilities Maintenance Engineering (Multi-Discipline)
Final Ranking of Short List

Final Rank, where a rank of '1' is the top ranked firm					
	Hector	Chris	Greg	Average	Final
COMPANY NAME	Franco	Little	Minor		Rank
Architects RZK, Inc.	2	2	3	2.33	2
CEG	5	3	2	3.33	3
DFI	3	4	4	3.67	4
Graef-USA, Inc.	1	1	1	1.00	1
MBV Engineering, Inc.	4	5	5	4.67	5

Final Ranking:

-
- 1. Graef-USA, Inc.**
 - 2. Architects RZK, Inc.**
 - 3. CEG**
 4. DFI
 5. MBV Engineering

RFQ #15-0-2021/SB
Facilities Maintenance Engineering
(Multi-Discipline) Continuing Consultant Services

CRITERIA - TOTAL 100 POINTS

Project Team = 25 points
Firm's Experience & Demonstrated Capabilities = 25 points
Project Management & Approach = 50 points

		Architects RZK, Inc.	Construction Engineering Group LLC	Don Facciobene, Inc.	Graef-USA, Inc.	MBV Engineering, Inc.
EVALUATION		321-631-8039	321-253-1221	321-727-7100	407-659-6500	321-253-1510
CRITERIA	POSSIBLE	600 Florida Ave, Ste 201 Cocoa FL 32922	2651 W Eau Gallie Blvd, Ste A Melbourne FL 32935	5055 Babcock Street, Ste 4 Palm Bay FL 32905	2300 Maitland Center Pkwy Ste 210 Maitland FL 32751	1250 W Eau Gallie Blvd, Unit H Melbourne FL 32935
	POINTS	john.zwick@architectsrzk.com	jwise@cegengineering.com	mkelley@dfi-gc.com	scott.hinrichs@graef-usa.com	brucem@mbveng.com
Project Team	25	16.67	20.00	16.67	20.00	20.00
Experience & Capabilities	25	18.33	21.67	20.00	18.33	15.00
Project Management & Approach	50	30.00	30.00	33.33	36.67	30.00
TOTAL NON-PRICE FACTORS	100	65.00	71.67	70.00	75.00	65.00

Short List

Graef-USA, Inc.	75.00
Construction Engineering Group LLC	71.67
Don Facciobene, Inc.	70.00
Architects RZK, Inc. / MBV Engineering, Inc.	65.00

		KMA Engineering & Surveying	SGM Engineering, Inc.
EVALUATION		772-569-5505	407-767-5188
CRITERIA	POSSIBLE	80 Royal Palm Pointe, Ste 401 Vero Beach FL 32960	935 Lake Baldwin Lane Orlando FL 32814
	POINTS	darreng@kmafla.com	tony@sgmengineering.com
Project Team	25	15.00	18.33
Experience & Capabilities	25	13.33	15.00
Project Mgmt & Approach	50	30.00	30.00
TOTAL NON-PRICE	100	58.33	63.33
		DID NOT ADVANCE	DID NOT ADVANCE

RFQ #15-0-2021/SB
Facilities Maintenance Engineering (Multi-Discipline)
Initial Scoring

Project Team = max 5 points x 5 = max 25 total						
	Hector	Chris	Greg	Average	Multiplier	TOTAL
COMPANY NAME	Franco	Little	Minor			POINTS
Architects RZK, Inc.	4	3	3	3.33	5	16.67
CEG	3	5	4	4.00	5	20.00
DFI	4	3	3	3.33	5	16.67
Graef-USA, Inc.	3	5	4	4.00	5	20.00
KMA Engineering & Surveying	3	3	3	3.00	5	15.00
MBV Engineering, Inc.	3	5	4	4.00	5	20.00
SGM Engineering, Inc.	3	4	4	3.67	5	18.33
Experience & Demonstrated Capabilities = max 5 points x 5 = max 25 total						
	Hector	Chris	Greg	Average	Multiplier	TOTAL
COMPANY NAME	Franco	Little	Minor			POINTS
Architects RZK, Inc.	4	3	4	3.67	5	18.33
CEG	3	5	5	4.33	5	21.67
DFI	4	4	4	4.00	5	20.00
Graef-USA, Inc.	3	5	3	3.67	5	18.33
KMA Engineering & Surveying	3	2	3	2.67	5	13.33
MBV Engineering, Inc.	3	2	4	3.00	5	15.00
SGM Engineering, Inc.	3	2	4	3.00	5	15.00
Project Management & Approach = max 5 points x 10 = max 50 total						
	Hector	Chris	Greg	Average	Multiplier	TOTAL
COMPANY NAME	Franco	Little	Minor			POINTS
Architects RZK, Inc.	4	2	3	3.00	10	30.00
CEG	3	2	4	3.00	10	30.00
DFI	4	3	3	3.33	10	33.33
Graef-USA, Inc.	3	5	3	3.67	10	36.67
KMA Engineering & Surveying	3	3	3	3.00	10	30.00
MBV Engineering, Inc.	3	2	4	3.00	10	30.00
SGM Engineering, Inc.	3	2	4	3.00	10	30.00
					TOTALS COMBINED	
Architects RZK, Inc.	4					65.00
CEG	2					71.67
DFI	3					70.00
Graef-USA, Inc.	1					75.00
KMA Engineering & Surveying	6					58.33
MBV Engineering, Inc.	4					65.00
SGM Engineering, Inc.	5					63.33



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 3/18/2021

RE: Resolution 2021-13, extending the commencement period for a conditional use granted for retail automotive gas/fuel sales in CC (Community Commercial District) zoning (1.5 acres) (Case CU-2-2019), Carmel Development LLC).

Carmel Development LLC has requested an extension to the commencement period of the conditional use granted by Resolution 2019-08. The request is to extend the commencement period for one (1) year for retail automotive gas/fuel sales in CC (Community Commercial District) zoning. The property is located at the northeast corner of Babcock Street and Valkaria Road.

This is the applicant's second request for an extension. The conditional use will expire on March 21, 2021.

Staff had no adverse comments.

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to adopt the resolution granting a one (1) year extension to the conditional use.

ATTACHMENTS:

Description

Resolution 2019-08

Resolution 2020-06

Resolution 2021-13

RESOLUTION NO 2019-08

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE FOR RETAIL AUTOMOTIVE GAS/FUEL SALES IN CC (COMMUNITY COMMERCIAL DISTRICT) ZONING, WHICH PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF BABCOCK STREET AND VALKARIA ROAD, AND LEGALLY DESCRIBED HEREIN, GRANTING THE USE AS A CONDITIONAL USE, PROVIDING FOR CONSTRUCTION TO BE IN COMPLIANCE WITH THE SITE PLAN, PROVIDING FOR A COMMENCEMENT PERIOD, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, application for a conditional use in CC (Community Commercial District) zoning to permit retail automotive gas/fuel sales on property legally described herein has been made by Carmel Development LLC and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on February 6 2019 which voted to recommend to the City Council approval, and

WHEREAS, all provisions applicable to the conditional use under Chapter 185 Zoning Conditional Uses Sections 185.085 and 185.086 and District Regulations, Section 185.043, of the Palm Bay Code of Ordinances, have been addressed by the applicant and

WHEREAS, the City Council of the City of Palm Bay has determined that such conditional use will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows

SECTION 1 The City Council of the City of Palm Bay hereby grants a conditional use for retail automotive gas/fuel sales on property zoned CC (Community Commercial District) which property is legally described as follows:

Tax Parcel 603, of the Public Records of Brevard County, Florida, Section 15, Township 29S, Range 37E, containing 1 5 acres, more or less.

SECTION 2. The conditional use is granted subject to the applicant complying with the following

- 1) Constructing the structures relevant to retail automotive gas/fuel sales in accordance with the site plan which is by reference incorporated herein as Exhibit "A"
- 2) The Land Development Division Staff Report which is, by reference incorporated herein as Exhibit "B"
- 3) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules regulations and statutes

SECTION 3

A The conditional use must be commenced within one (1) year from the effective date of this resolution Commencement shall mean the issuance of a building permit which must remain active Failure to commence such construction within one (1) year shall void the conditional use

B Failure to make payment of the business tax within one (1) year shall void the conditional use

SECTION 4 This Resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting No 2019 07, of the City Council of the City of Palm Bay, Brevard County Florida, held on March 21 2019

ATTEST

Terese M. Jones CITY CLERK

William Capote MAYOR

City of Palm Bay Florida
Resolution No 2019-08

Applicant. Carmel Development LLC
Case No. CU 2 2019

cc 03 22 19 Brevard County Recording
Applicant
Case File



VALUATION POINT - 100% FROM



LAND DEVELOPMENT DIVISION
120 MALABAR ROAD SE
PALM BAY FL 32907
T 321 733-3042 F 321-953-8920

STAFF REPORT
PREPARED BY:
Christopher Balter
Planner II

CASE NUMBER
CU-2-2019

APPLICANT/PROPERTY OWNER
Carmel Development LLC (Carmine Ferraro, Representative)

PLANNING & ZONING BOARD HEARING DATE
February 6 2019

PROPERTY LOCATION/ADDRESS
The subject property is located at the NE corner of the intersection of Babcock Street SE and Valkaria Road. Specifically, the property is Tax Parcel 603 Section 15, Township 29 South, and Range 37 East, Brevard County, Florida.

SUMMARY OF REQUEST

The applicant is requesting conditional use approval for retail automotive fuel sales upon a property zoned CC Community Commercial District.

EXISTING ZONING	EXISTING FUTURE LAND USE	SITE IMPROVEMENTS	SITE ACREAGE	SURROUNDING ZONING & FUTURE LAND USE
CC Community Commercial District	Commercial Use	Undeveloped Vacant Land	1.5 +/-	N CC, Community Commercial, Vacant Land E CC, Community Commercial, Vacant S NC, Neighborhood Commercial (across Valkaria), Single Family Home W RS-2 Single Family Residential (across Babcock Street) Single Family Homes

PROPERTY HISTORY

The subject property is currently undeveloped land situated at the northeast corner of the intersection of Babcock Street SE and Valkaria Road.

COMPATIBILITY with the COMPREHENSIVE PLAN

The land use would be considered compatible with the surrounding land uses.

COMPATIBILITY with the CODE OF ORDINANCES

Development of the subject property is subject to the requirements of the City's Land Development Code.

ANALYSIS

The property is presently a vacant, commercially-zoned parcel of land of approximately 1.50 acres. The conceptual site plan proposes to construct a convenience store (C-Store) of 3,300 square feet, with an adjacent tenant space of approximately 1,200 square feet. The C-Store will retail automotive fuel and contain eight (8) pump islands for a total of 16 fueling stations.

CODE REQUIREMENTS

1. In order to be granted conditional use approval, a request is evaluated upon items (A) through (I) of the General Requirements and Conditions listed in Section 185.087 of the Code of Ordinances. A review of these items is as follows:

Item (A) *Adequate ingress and egress may be obtained to and from the property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.*

The site will be accessed from both Babcock Street and Valkaria Road. A shared driveway adjacent to the site will be provided to allow access to the facility and future commercial ventures north and east of the site. The applicant will be required during administrative site plan review to enter into cross access easements with the adjacent property owners to the north and south. As this parcel is located at the intersection of an arterial and major collector roadway, a traffic study shall be submitted during the administrative site plan review process. In addition to possible roadway safety improvements, it is anticipated that a portion of the SW corner of the site will be needed for future signal equipment and to accommodate a possible northbound right turn lane. A "corner clip" may need to be dedicated to Brevard County for these improvements.

Item (B) *Adequate off street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.*

Based upon the use and total size of the building (4,500 square feet), a minimum of 23 parking spaces are required, of which at least one (1) space shall be designated for handicapped parking. The conceptual plan proposes 26 regular spaces and two (2) handicapped parking stalls.

Item (C) *Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.*

The building is required to connect to the city's potable water and sewer system.

Item (D) *Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties*

The parcel of land for which this development is proposed is a vacant, wooded lot, with undeveloped land to the north and east. The site is bordered by roadways on the south and west. The building is approximately 270 feet from the home located on the west side of Babcock Street and approximately 230 feet from the home on the south side of Valkaria Road. The standard landscape code and the width of the abutting roadways appear sufficient buffering from existing development.

Item (E) *Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties*

No signs are shown on the drawing and a lighting plan was not provided. It shall be noted that City codes require any and all lighting to be shielded and/or directed downward so as to not create a nuisance to adjacent properties. During the administrative site plan review a lighting and photometric plan will be required.

Item (F) *Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties*

The yards and open space requirements of the Zoning Code have been met.

Item (G) *The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.*

The project has been designed with wide drive aisles and ample on-site maneuverability. Moreover, the external driveways that channel traffic adjacent to the site will provide for safe off-street movement of vehicles and fuel delivery. The traffic study will determine any necessary off-site roadway improvements.

Item (H) *The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.*

The proposed "uses" are permitted (via conditional use) and the site is bordered by commercial land to the north and east, and by roads to the south and west.

Item (I) *Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, a reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.*

The Planning and Zoning Board and City Council has the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings

- 2 In addition to the General Requirements and Conditions of Section 185.087, the request shall successfully address items (a) through (h) of the conditional use requirements for automotive fuel sales, as provided in the guidelines of the CC District {Section 185 043 (D) (2)} A review of these items is as follows.

Item (a) Access

Retail automotive gas/fuel sales establishments shall be located on arterial roadways or on corner lots at the intersection of collector streets or higher functional classification, as identified in the adopted Palm Bay Comprehensive Plan No more than two (2) corner lots at any one (1) intersection shall be used for retail gasoline or automotive fuel sales. No driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification

The Palm Bay Comprehensive Plan designates Babcock Street as an Arterial Roadway Furthermore Valkaria Road is designated by the Space Coast Transportation Planning Organization (TPO) as a Major Collector Roadway, on its Roadway Functional Classification Map There are currently no fueling stations at this intersection, this would be the first

Item (b) Minimum Frontage

One hundred and fifty (150) feet on each abutting street

The shortest frontage (Valkaria Road) is approximately 242 feet

Item (c) Location of Facilities

Gasoline fuel pumps storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building and one hundred (100) feet from the nearest residentially zoned land No gasoline fuel pump storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well

The underground fuel storage tanks are not indicated on the submitted plan This item will be addressed during the official review of the site plans The closest property line is more than 50 feet from the fueling islands and the islands are 55 feet from the convenience store They are located more than 200 feet from the nearest residentially-zoned property The closest municipal or public supply well is approximately 4.2 miles to the north

Item (d) Tank Storage

Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons

The fuel storage tanks shall be located underground

Item (e) Proposed Use

The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation

This was previously addressed under Item (G) of the general requirements

Item (f) Signs

Signs if any and proposed exterior lighting will be designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility or disharmony with adjoining properties

This was previously addressed under Item (E) of the general requirements

Item (g) Operation

Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with Section 176 01 et seq of the City of Palm Bay's Code of Ordinances

This is a code requirement dealing with the installation of this equipment and must be met during the administrative site plan review process

STAFF CONCLUSION

The Planning and Zoning Board and City Council must determine if the request meets the criteria of Sections 185.087 and 185.043(D)(2) of the Palm Bay Code of Ordinances

RESOLUTION 2020-06

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2019-08, SECTION 3, BY EXTENDING THE COMMENCEMENT PERIOD OF THE CONDITIONAL USE GRANTED FOR RETAIL AUTOMOTIVE GAS/FUEL SALES IN CC (COMMUNITY COMMERCIAL DISTRICT) ZONING; WHICH PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF BABCOCK STREET AND VALKARIA ROAD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 21, 2019, the City of Palm Bay granted a conditional use through Resolution 2019-08 to Carmel Development LLC for retail automotive gas/fuel sales in CC (Community Commercial District) zoning, and

WHEREAS, an additional one (1) year extension to the commencement period for the conditional use is being requested by Carmel Development LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, that:

SECTION 1. The City Council of the City of Palm Bay hereby amends Resolution 2019-08, Section 3, to read as follows:

“Section 3.

- A. The modification to the conditional use must be commenced within two (2) years from the effective date of this resolution. Commencement shall mean the issuance of the appropriate permit(s), which must remain active. Failure to commence such construction within two (2) years shall void the conditional use.
- B. Failure to make payment of the business tax within two (2) years shall void the conditional use.”

SECTION 2. The effective date of the commencement period, as amended, for the conditional use shall be determined from the effective date of Resolution 2019-08, enacted on March 21, 2019.

SECTION 3. This Resolution shall be recorded in the Public Records of Brevard County at the applicant's expense.

SECTION 4. This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2020-06, of the City Council of the City of Palm Bay, Brevard County, Florida, held on March 19, 2020.

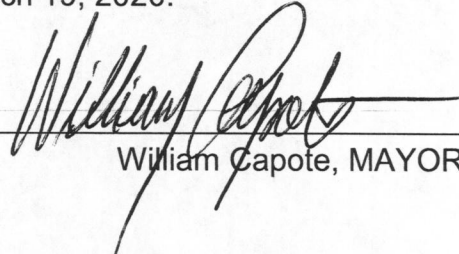
ATTEST:


Terese M. Jones


CITY CLERK

Applicant: Carmel Development LLC
Case: CU-2-2019

cc: 03-20-20 Applicant
 Case File


William Capote, MAYOR

RESOLUTION 2021-13

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2019-08, SECTION 3, BY EXTENDING THE COMMENCEMENT PERIOD OF THE CONDITIONAL USE GRANTED FOR RETAIL AUTOMOTIVE GAS/FUEL SALES IN CC (COMMUNITY COMMERCIAL DISTRICT) ZONING; WHICH PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF BABCOCK STREET AND VALKARIA ROAD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 21, 2019, the City of Palm Bay granted a conditional use through Resolution 2019-08 to Carmel Development LLC for retail automotive gas/fuel sales in CC (Community Commercial District) zoning, and

WHEREAS, an additional one (1) year extension to the commencement period for the conditional use is being requested by Carmel Development LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, that:

SECTION 1. The City Council of the City of Palm Bay hereby amends Resolution 2019-08, Section 3, to read as follows:

“Section 3.

- A. The modification to the conditional use must be commenced within **three (3)** years from the effective date of this resolution. Commencement shall mean the issuance of the appropriate permit(s), which must remain active. Failure to commence such construction within three **(3) years** shall void the conditional use.
- B. Failure to make payment of the business tax within **three (3)** years shall void the conditional use.”

SECTION 2. The effective date of the commencement period, as amended, for the conditional use shall be determined from the effective date of Resolution 2019-08, enacted on March 21, 2019.

SECTION 3. This Resolution shall be recorded in the Public Records of Brevard County at the applicant's expense.

SECTION 4. This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2021- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Applicant: Carmel Development LLC
Case: CU-2-2019

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Joan Junkala-Brown, Community & Economic Development Director

DATE: 3/18/2021

RE: Resolution 2021-14, authorizing the submission of a grant application to the Florida Inland Navigation District (FIND) for for the replacement of existing and permitted navigable channel markers along Turkey Creek.

The City of Palm Bay's Turkey Creek Sanctuary conservation area provides a myriad of natural recreational resources for residents and visitors. The Sanctuary is so named and anchored by the idyllic Turkey Creek, which is a 4.1 mile tributary of the Indian River Lagoon, North America's most diverse estuary.

Turkey Creek offers navigable waters for boaters and kayakers entering from the Indian River and launching from the Creek's shores, creekfront properties, and ecotourism operations. This activity requires boater safety features along Turkey Creek, which are required to be maintain by the City, and includes navigational signage marking channel location, depth, wake, and speed warnings.

Subject to persistent severe weather conditions typical of our climate, and other deteriorating factors including vessel collision incidents, the Creek's navigational aids have a variable useful life which requires periodic replacement. Most of the existing markers are in poor condition with many signs that are no longer legible as to their navigational message and posts which have fallen beneath the water line. On March 5, 2021, the City, in coordination with an officer of the Florida Fish and Wildlife Conservation Commission (FWC) performed a visual inventory of all navigational markers along Turkey Creek.

In 2006, the City was awarded a 50 percent matching reimbursement grant totaling \$150,000 under Florida Inland Navigation District (FIND) Water Assistance Program (WAP), which included the replacement of these navigational safety aids. Staff is seeking authorization to apply for grant funding from the 2021 FIND WAP for replacement of 22 existing and permitted boater navigational signage in an amount not to exceed \$100,000. This is a reimbursement grant. Under FIND's grant program, the City would be required to fund the entirety of the project scope and seek reimbursement of the eligible 75 percent upon completion.

The FIND application submittal deadline is 4:30 PM on Monday, March 29th and Grant awards are anticipated to be announced on Friday, October 1, 2021.

REQUESTING DEPARTMENT:

Community & Economic Development, Public Works

FISCAL IMPACT:

This grant requires the City to fund the project in its entirety upfront and seek reimbursement for up to 75 percent

of the cost. Ultimately, there would be a net fiscal impact of approximately 25 percent, or no more than \$25,000, if the grant is awarded. The Public Works Department would budget for the full project scope of \$100,000 in its Fiscal Year 2022 budget, with FIND project awardees to be notified in October 2021.

RECOMMENDATION:

Motion to approve a resolution authorizing the City to submit a grant application to the Florida Inland Navigation District requesting \$100,000 for the replacement of 22 existing and permitted navigable channel markers along Turkey Creek.

ATTACHMENTS:

Description

2021 FIND Application Part 2

2021 FIND Application Part 1

Resolution 2021-14



WATERWAYS ASSISTANCE PROGRAM

APPLICATION PACKAGE

Part 2. Attachment E



FY 2021

WATERWAYS ASSISTANCE PROGRAM
APPLICATION PACKAGE
Part 2. Attachment E

The following attachment E-1 through E-8, in addition to the requirements of items 10 through 13 of the application checklist, constitute your formal application.

**SUBMIT THE APPLICATION INFORMATION IN
THE ORDER LISTED ON THE CHECKLIST.**

Applications must be received by the District by 4:30 p.m. on March 29, 2021.

SUBMIT ENTIRE APPLICATION ONE OF TWO WAYS:



Electronic copy (pdf) via email:
JZimmerman@aicw.org

OR



Completed hardcopy via Mail:
**FIND, 1314 Marcinski Rd.,
Jupiter, FL 33477**

Application must be received by the deadline, no exceptions.

Attachment E - Applicant Tips Sheet

(Mistakes Common to the application process and how to avoid them)

SCHEDULING

The new application is available by January each year, and District funding is available AFTER October 1st of each year. Applicants should plan their schedule to avoid commonly missed deadlines: Application due – 29th of March; Property control/Technical sufficiency items – 21st of May, Permits – 20th of September. (Staff suggestion: Begin to secure property control and permits PRIOR to applying for funding.)

PROPERTY CONTROL VERIFICATION

Please have your attorney complete and sign the form in the application verifying applicant property control. In the case of leases or management agreements, please forward a copy to the District well in advance of the deadline to verify consistency with our program rules. (Staff suggestion: Resolve this requirement outside the application "window".)

PROJECT COSTS ELIGIBILITY

Please note the eligible project costs in Rule Section 66B-2.008, F.A.C. If you are not sure about an item's eligibility, ask! Note: Any ineligible cost, including in-house project management and administration, is also not eligible for an applicant's match. Make sure you have delineated your required minimum cost-share on the project cost estimate. (Staff suggestion: If you have questions about the eligibility of an item, work up a mock cost-sheet and send it to our office well before the deadline.)

COST-SHARE

Although the applicant must provide a minimum of 50% of the total project costs (25% for eligible public navigation dredging), there is no specific requirement to split each item. (Staff suggestion: You may want to organize project element in a certain manner for easier accounting.)

PRE-AGREEMENT EXPENSES

Rule 66B-2.005(3), F.A.C. requires any activity in the submitted project cost estimate occurring PRIOR to October 1st to be considered as pre-agreement expenses. The Board's past philosophy has been to fund only those projects that require District funding assistance to be completed. It is best to avoid pre-agreement expenses if possible. Note, that pre-agreement expenses must be limited to 50% or less of the total project costs, and they are eligible for only ½ of the original District funding. (Example: A project with a total cost of \$200,000 is Board-approved for one-half construction PRIOR to October 1st. In this case, District funding will be limited as follows: Only 50% of the \$100,000 project cost prior to October 1st is eligible as project expenses (i.e. \$50,000). Then only ½ of the eligible project expenses (\$50,000) are eligible for District funding assistance (i.e. \$25,000).

SUBMITTED MATERIALS & JUNE PRESENTATION

The Board must review and evaluate every application and each year we receive about 90 applications for consideration. The final product for the Commissioner's review is two 8-1/2" x 11" spiral-bound notebooks containing the essential information for the application. NOTE: make sure your final submitted material is the same material you will be presenting to the Board at our June meeting. This will avoid confusion and strengthen your presentation. (Staff suggestion: Limit the submitted materials to the requested information, in the required format and make sure it is consistent with your June presentation. Do not submit additional material at the June presentation!)

ELECTRONIC SUBMISSIONS

Grant applications are being accepted by email or hardcopy. Grant applications may be submitted via email as a pdf attachment (permits attached separately). Make sure to label your pdf attachment with the applicant and project title. You will receive a confirmation email letting you know your application has been received. Email your completed application to JZimmerman@aicw.org Or you may send hardcopy applications to FIND, 1314 Marcinski Rd, Jupiter, FL 33477.

Applications must be received by the District by 4:30 p.m. on March 29, 2021.

ATTACHMENT E-1

APPLICATION CHECKLIST

WATERWAY ASSISTANCE PROGRAM FY 2021

Project Title:	
Applicant:	

This checklist and the other items listed below in items 1 through 13 constitute your application. The required information shall be submitted in the order listed.

An electronic copy may be emailed to JZimmerman@aicw.org. Application must be received by the deadline, no exceptions.

All information will be printed on 8 ½"x11" paper to be included in agenda books bound by staff.

	<u>YES</u>	<u>NO</u>
1. District Commissioner Review (prior to March 4th) (NOTE: <u>For District Commissioner initials ONLY!</u> (District Commissioner must initial the yes line on this checklist for the application to be deemed complete)	_____	_____
2. Application Checklist – E-1 (Form No. 90-26, 2 pages) (Form must be signed and dated)		
3. Applicant Info/Project Summary – E-2 (Form No. 90-22, 1 page) (Form must be completed and signed)		
4. Project Information – E-3 (Form No. 90-22a, 1 page)		
5. Application and Evaluation Worksheet – E-4(+) (Form No.91-25) (One proper sub-attachment included, 7 pages) Must answer questions 1-10. No signatures required		
6. Project Cost Estimate – E-5 (Form No. 90-25, 1 page) (Must be on District form)		
7. Project Timeline – E-6 (Form No. 96-10, 1 page)		
8. Official Resolution Form – E-7 (Form No. 90-21, 2 pages) (Resolution must be in District format and include items 1-6)		

ATTACHMENT E-1 (Continued)

APPLICATION CHECKLIST

WATERWAY ASSISTANCE PROGRAM FY 2021

YES

NO

9. Attorney's Certification (Land Ownership) – E-8
**(Must be on or follow format of Form No. 94-26,
Legal descriptions NOT accepted in lieu of form)**
10. County/City Location Map
11. Project Boundary Map
12. Clear & Detailed Site Development Plan Map
13. Copies of all Required Permits: ACOE, DEP, WMD
(Required of development projects only)

The undersigned, as applicant, acknowledges that Items 1 through 12 above constitutes a complete application and that this information is due in the District office no later than 4:30 PM, March 29, 2021 By May 21, 2021 my application must be deemed complete (except for permits) or it will be removed from any further consideration by the District. I also acknowledge that the information in Item 13 is due to the District no later than September 20, 2021. If the information in Item 13 is not submitted to the District office by September 20, 2021, I am aware that my application will be removed from any further funding consideration by the District.

LIAISON: _____ TITLE: _____

**** SIGNATURE - PROJECT LIAISON ****

DATE

FIND OFFICE USE ONLY

Date Received: _____

Local FIND Commissioner Review: _____

All Required Supporting Documents: _____

Applicant Eligibility: _____

Project Eligibility: _____ Available Score: _____

Compliance with Rule 66B-2 F.A.C.: _____

Eligibility of Project Cost: _____

ATTACHMENT E-2
APPLICANT INFORMATION & PROJECT SUMMARY
WATERWAY ASSISTANCE PROGRAM FY 2021

APPLICANT INFORMATION			
Applicant:			
Department:			
Project Title:			
Project Director:		Title:	
Project Liaison: <i>(if different from Director)</i>		Title:	
Mailing Address:			
City:		Zip Code:	
Email Address:		Phone #:	
Project Address:			

*** I hereby certify that the information provided in this application is true and accurate. ***

SIGNATURE: _____ DATE: _____

PROJECT NARRATIVE (Please summarize the project in space provided below in 2 paragraphs or less.)

ATTACHMENT E-3

PROJECT INFORMATION

WATERWAY ASSISTANCE PROGRAM FY 2021

Applicant:	Project Title:	
Total Project Cost: \$	FIND Funding Requested: \$	% of Total Cost:
Amount of Applicant's Matching Funds:		
Source of Applicant's Matching Funds:		

1. Ownership of Project Site (check one): Own: ☐ Leased: ☐ Other: ☐

2. If leased or other, please describe lease or terms and conditions:

3. Has the District previously provided assistance funding to this project or site? Yes: ☐ No: ☐

4. If yes, please list:

5. What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.)? (as applicable):

6. How many additional ramps, slips, parking spaces or other access features will be added by this project?

7. Are fees charged for the use of this project? No ☐ Yes ☐ **

**If yes, please attach additional documentation of fees and how they compare with fees from similar public & private facilities in the area.

Please list all Environmental Resource Permits required for this project:

AGENCY	Yes / No / N/A	Date Applied For	Date Received
WMD			
DEP			
ACOE			

ATTACHMENT E-4
EVALUATION WORKSHEET

WATERWAY ASSISTANCE PROGRAM FY 2021

DIRECTIONS:

All applicants will complete questions 1 through 6, and then based on the type of project, complete one and only one subsection (E-4A, B, C, D or E) for questions 7-10.

*****Please keep your answers brief and do not change the pagination of Attachment E-4*****

All other sub-attachments that are not applicable to an applicant's project should not be included in the submitted application.

Project Title:	
Applicant:	

1) PRIORITY LIST:

a) **Denote the priority list category of this project from Attachment C in the application.**
(The application may only be of **one** type based upon the predominant cost of the project elements.)

b) **Explain how the project fits this priority category.**

(For reviewer only)

Max. Available Score for application _____

Question 1. Range of Score (1 to _____ points)

2) WATERWAY RELATIONSHIP:

- a) Explain how the project relates to the ICW and the mission of the Navigation District.

- b) What public access or navigational benefit to the ICW or adjoining waterway will result from this project?

(For reviewer only)
(1-6 points)

3) PUBLIC USAGE & BENEFITS:

- a) Describe how the project increases/improves boater/public access.
Estimate the amount of total public use.

- b) Discuss the regional and local public benefits provided by the project.
Can residents from other counties of the District reasonably access and use the project? Explain.

- c) Has the local Sponsor implemented or plans to implement any boating access, speed zone, commercial access or other restrictive use of this site?

(For reviewer only)
(1-8 points)

4) TIMELINESS:

- a) Describe current status of the project and present a reasonable and effective timeline for the completion of the project consistent with Attachment E-6.

- b) Briefly explain any unique aspects of this project that could influence the timeline.

(For reviewer only)
(1-3 points)

5) COSTS & EFFICIENCY:

- a) List funding sources and the status and amount of the corresponding funding that will be utilized to complete this project including any cash match or matching grant funds.

- b) Identify and describe any project costs that may be increased because of the materials utilized or specific site conditions.

- c) Are there any fees associated with the use of this facility? If so, please list or attach fee sheet.

- d) If there are any fees, please explain where these fees go and what they are used for. In addition, please provide a listing of the fees charged by similar facilities, public and private, in the project area.

(For reviewer only)
(1-6 points)

6) PROJECT VIABILITY:

a) Why is the project necessary and what need will it fill? Why are existing facilities insufficient to meet demand?

b) Clearly demonstrate how the project will continue to be maintained and funded after funding is completed.

c) Is this project referenced or incorporated in an existing maritime management, public assess or comp plan?

(For reviewer only)

(1-7 points)

SUB-TOTAL _____

FIND FORM NO. 91-25

Rule 66B-2.005 (Effective Date: 3-21-01, Revised 4-24-06, 1-27-14)

ATTACHMENT E-4A
EVALUATION WORKSHEET
DEVELOPMENT & CONSTRUCTION PROJECTS

WATERWAY ASSISTANCE PROGRAM FY 2021

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A DEVELOPMENT OR CONSTRUCTION PROJECT BUT **IS NOT** AN INLET MANAGEMENT OR BEACH RENOURISHMENT PROJECT.

7) PERMITTING:

- a) Have all required environmental permits been applied for? (USACE, DEP and WMD)
If permits are NOT required, explain why not.

- b) If the project is a Phase I project, please provide a general cost estimate for the future Phase II work.

- c) Detail any significant impediments that may have been identified that would potentially delay the timely issuance of the required permits.

(For reviewer only)
(1-4 points)

8) PROJECT DESIGN:

- a) Has the design work been completed?
If this is a Phase I project, has a preliminary design been developed?

- b) Are there unique beneficial aspects to the proposed design that enhance public usage or access, minimize environmental impacts, improve water quality or reduce costs?

(For reviewer only)
(1-2 points)

9) CONSTRUCTION TECHNIQUES:

- a) Briefly explain the construction techniques and materials to be utilized for this project. Identify any unique construction materials that may significantly alter the project costs. If a Phase 1, elaborate on potential techniques.

- b) What is the design life of the proposed materials compared to other available materials?

(For reviewer only)
(1-3 points)

10) ENVIRONMENTAL COMPONENTS:

a) How has the facility where the project is located demonstrated commitment to environmental compliance, sustainability, and stewardship?

b) What considerations, if any, have been made for sea level rise impacts in the design and life span of this project?

(For reviewer only)
(1-3 points)

RATING POINT TOTAL _____

Note:

The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.

Form No. 91-25A

Rule 66B-2.005 (Effective Date: 3-21-01, revised 4-24-06, 1-27-14)

ATTACHMENT E-4B
EVALUATION WORKSHEET
ENVIRONMENTAL EDUCATION PROJECTS

WATERWAY ASSISTANCE PROGRAM FY 2021

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS AN
ENVIRONMENTAL EDUCATION PROJECT

7) THOROUGHNESS:

- a) Who is the primary target audience or user group for the project and how were they identified?

- b) How have the needs of the target audience been evaluated and met?

- c) How many people will the program serve on an annual basis? What will be the measurable results?

(For reviewer only)
(1-5 points)

10) PROJECT GOALS:

a) What are the long-term goals of this project as it relates to the ICW?

b) What is the expected duration/frequency of this program?

(For reviewer only)
(1-3 points)

RATING POINT TOTAL _____

Note:

The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.

ATTACHMENT E-4C
EVALUATION WORKSHEET
LAW ENFORCEMENT & BOATING SAFETY PROJECTS

WATERWAY ASSISTANCE PROGRAM FY 2021

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A LAW
ENFORCEMENT OR BOATING SAFETY PROJECT

7) VIABILITY:

c) Describe how the project will address particular public health, safety, or welfare issues of the Navigation District's Waterways.

d) How does the project provide significant benefits or enhancements to the District's Waterways?

(For reviewer only)
(1-3 points)

8) EXPERIENCE & QUALIFICATIONS:

- a) List the personnel tasked with the implementation of this project, their qualifications, previous training and experience.

- b) Have the personnel participated in or received state marine law enforcement training?

(For reviewer only)
(1-2 points)

9) DELIVERABLES:

- a) Describe the anticipated, long-term measurable results of implementing this project.

- b) What is the range or area of coverage for this project? Please provide a map of the coverage area.

- c) Does the project fulfill a particular community need?

(For reviewer only)
(1-4 points)

10) EDUCATION:

a) What are the educational benefits (if any) of this proposed project?

b) How does the project or program provide effective public boating education or expand boater safety?

(For reviewer only)
(1 -3 points)

RATING POINT TOTAL _____

Note:

The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.

ATTACHMENT E-4D
EVALUATION WORKSHEET
INLET MANAGEMENT & PUBLIC NAVIGATION PROJECTS

WATERWAY ASSISTANCE PROGRAM FY 2021

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS AN INLET
MANAGEMENT OR PUBLIC NAVIGATION PROJECT

7) WATERWAY RELATIONSHIP:

- a) How does the project directly benefit the Atlantic Intracoastal Waterway (AICW)?

- b) Identify any long-term sedimentation problems and briefly discuss any methods or activities that will address these issues.

- c) Will the project inhibit sediment inflow into, or reduce the dredging frequency of the AICW?

(For reviewer only)
(1-5 points)

8) PUBLIC ACCESS:

- a) Will the project enhance public access to or from the waterways? Describe in brief detail.

- b) List the upstream publicly accessible facilities with improved access as a result of this project.

(For reviewer only)
(1 -3 points)

9) BENEFICIAL PROJECT ELEMENTS:

- a) Are there additional economic benefits to be realized by implementing this project?

- b) Briefly spell out any water quality, environmental or habitat benefits to be realized by this project.

(For reviewer only)
(1 -2 points)

10) PROJECT MAINTENANCE:

a) When was this area last dredged? What is the expected frequency of future dredging?

b) Explain the funding mechanism for the long-term maintenance of the project.

c) Describe the long-range dredge material management plans.

*(For reviewer only)
(1 -2 points)*

RATING POINT TOTAL _____

Note:

The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.

ATTACHMENT E-4E
EVALUATION WORKSHEET
BEACH RENOURISHMENT PROJECTS
WATERWAY ASSISTANCE PROGRAM FY 2021

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A
BEACH RENOURISHMENT PROJECT

7) WATERWAY RELATIONSHIP:

- a) Describe how the District and other navigation interests will benefit from the implementation of this project.

(For reviewer only)
(1 -4 points)

8) VIABILITY:

- a) Is the project site defined as critically eroded area by a statewide beach management plan?
- b) Cite the quantifiable rate of erosion in this area.
- c) Is the project an important component of an overall beach management effort?

(For reviewer only)
(1 -4 points)

9) PUBLIC BENEFITS:

- a) Are there quantifiable public benefits demonstrated by the project?
- b) Is there adequate public access to the project area?
Please describe location and amount.

(For reviewer only)
(1-2 points)

10) PROJECT FUNDING:

- a) Describe any assistance funding from other sources.

- b) Clarify the availability of long-term funding for this project.

(For reviewer only)
(1-2 points)

RATING POINT TOTAL: _____

Note:

The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.

ATTACHMENT E-4F
EVALUATION WORKSHEET
EMERGENCY RE-CONSTRUCTION

WATERWAY ASSISTANCE PROGRAM FY 2021

THIS ATTACHMENT IS TO BE COMPLETED ONLY IF YOUR PROJECT IS A WATERWAY PROJECT THAT WAS DAMAGED BY A NATURAL DISASTER AS DECLARED BY A STATE OF EMERGENCY UNDER CHAPTER 252, FLORIDA STATUTES.

11. (EXTRA) STORM DAMAGE EVALUATION:

- a) List the State of Emergency declaration order or proclamation & the name and date of the storm/event.

- b) Has this site/project previously received funding from FIND

- c) Detail the other funding mechanisms and financial assistance that will be applied to defray the reconstruction costs or damage repair.

- d) What is the current status of your FEMA paperwork for the project?

(For reviewer only)
(0-3 points)

ATTACHMENT E-5
PROJECT COST ESTIMATE

WATERWAY ASSISTANCE PROGRAM FY 2021

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

Project Title:	
Applicant:	

<div>Project Elements</div> <div><i>(Please list the MAJOR project elements and provide general costs for each one. For Phase I Projects, please list the major elements and products expected)</i></div>	Total Estimated Cost	<div>Applicant's Cost</div> <div>(To the nearest \$50)</div>	<div>FIND Cost</div> <div>(To the nearest \$50)</div>

**TOTALS =	\$	\$	\$
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ATTACHMENT E-6

PROJECT TIMELINE

WATERWAY ASSISTANCE PROGRAM FY 2021

Project Title:	
Applicant:	

The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including, as applicable, completion dates for: permitting, design, bidding, applicant approvals, initiation of construction and completion of construction.

NOTE: All funded activities must begin AFTER October 1st
(or be consistent with Rule 66B-2.005(3) - Pre-agreement expenses)

Date

Component

ATTACHMENT E-7

RESOLUTION FOR ASSISTANCE 2021

UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM

WHEREAS, THE _____ is interested in carrying out the
(Name of Agency)
following described project for the enjoyment of the citizenry of _____
and the State of Florida:

Project Title _____

Total Estimated Cost \$ _____

Brief Description of Project:

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the _____
(Name of Agency)
that the project described above be authorized,

AND, be it further resolved that said _____
(Name of Agency)
make application to the Florida Inland Navigation District in the amount of _____% of the
actual cost of the project in behalf of said _____
(Name of Agency)

AND, be it further resolved by the _____
(Name of Agency)
that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said _____
_____ for public use.
(Name of Agency)

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the _____ at a legal meeting
(agency governing board)
held on this _____ day of _____ 20_____.

Attest

Signature

Title

Title

ATTACHMENT E-8
ATTORNEYS CERTIFICATION OF TITLE 2021
(See Rule 66B-2.006(4) & 2.008(2) FAC)

OFFICE OF THE _____ ATTORNEY

_____, 2021

TO WHOM IT MAY CONCERN:

I, _____, am the Attorney for the _____, Florida. I hereby state that I have examined a copy of a (deed, lease, management agreement, etc.) from _____ to the _____ dated _____ conveying _____ (type of interest, ie. Fee simple, easement, 25 year lease, etc.) in the following described property:

I have also examined a document showing that this property is listed on the tax rolls as belonging to the _____. Finally, I have also examined such documents and records as necessary for this certification.

This property is what is now called "_____".

I certify that the _____ does in fact (own, lease, etc.) this property for _____ years.

Very truly yours,

Attorney



FLORIDA INLAND NAVIGATION DISTRICT

To: Local Governments
From: Janet Zimmerman, Assistant Executive Director
Subject: 2021 Waterways Assistance Program
Date: December 21, 2020

Attached is an application package for the District's 2021 Waterways Assistance Program (WAP). The WAP application can also be downloaded from our website: www.AICW.org Through WAP over the past 34 years, the District has provided a total of over \$245 million in funding assistance to local governments within our District to perform waterways improvement projects.

Project types eligible for funding include public navigation, public waterway access facilities, waterfront parks, environmental education and boating safety projects directly related to the waterways. The District also provides grants for land acquisition which include opportunities for waterway access. Generally, ineligible costs include project maintenance, landscaping, in-house staff and reoccurring fees. Please see the program rules for more details on project eligibility. The funding level of this year's program will be determined in July based upon the availability of funding to the District and the quality and number of applications received.

Applications are due in the District office by 4:30 PM, March 29, 2021. Your application must be discussed with your local FIND Commissioner prior to March 4, 2021. The application must be initialed by the Commissioner prior to submission to the District office on March 29, 2021. Please see the application package for the complete program schedule and the name and address of your Commissioner.

An electronic copy (pdf) may be emailed to JZimmerman@aicw.org. or a completed hardcopy of the application may be delivered to: FIND, 1314 Marcinski Rd., Jupiter, FL 33477. Application must be received by the deadline, no exceptions. Only the requested information should be submitted. It is VERY important that the application forms remain in the same 8.5 x 11", paginated format, and the forms must be presented in the order listed on the application checklist. Applications that do not follow the program directions, rules, or the application format may be rejected.

Please review the application checklist and be sure you can provide all of the required items. If you cannot provide ALL of the items on the application checklist, please contact staff immediately for advice on the potential resolution of a required item. Any application failing to include the required application items (with the exception of environmental resource permits & exemptions) will be eliminated from consideration on May 21, 2021. There is no waiver or exception available for this deadline. Solving questions or problems prior to the preparation and submission of your application will save us both time and effort and result in a more successful application.

COMMISSIONERS

DON DONALDSON
CHAIR
ST. LUCIE COUNTY

J. CARL BLOW
VICE-CHAIR
ST. JOHNS COUNTY

JON NETTS
TREASURER
FLAGLER COUNTY

FRANK GERNERT
SECRETARY
BROWARD COUNTY

T. SPENCER CROWLEY, III
MIAMI-DADE COUNTY

DONALD J. CUOZZO
MARTIN COUNTY

CHARLES C. ISIMINGER
PALM BEACH COUNTY

VACANT
VOLUSIA COUNTY

MICHAEL O'STEEN
DUVAL COUNTY

JERRY H. SANSOM
BREVARD COUNTY

LYNN A. WILLIAMS
NASSAU COUNTY

VACANT
INDIAN RIVER COUNTY

MARK T. CROSLEY
EXECUTIVE DIRECTOR

JANET ZIMMERMAN
ASSISTANT EXECUTIVE
DIRECTOR

FY 2021-2022

WATERWAYS ASSISTANCE PROGRAM

APPLICATION PACKAGE

Part 1: Attachments A through D

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FY 2021- 2022
WATERWAYS ASSISTANCE PROGRAM APPLICATION

Part 1.

ATTACHMENT A	PROGRAM SCHEDULE
ATTACHMENT B	COMMISSIONERS LISTING
ATTACHMENT C	PROJECT PRIORITY LIST
ATTACHMENT D	PROGRAM RULES

Part 2.

ATTACHMENT E	PROGRAM APPLICATION/TIPS SHEET (1 PAGE)
E-1.	APPLICATION CHECK LIST (2 PAGES)
E-2.	APPLICANT INFORMATION/PROJECT SUMMARY
E-3.	PROJECT INFORMATION
E-4.	APPLICATION AND EVALUATION WORKSHEET (20 PAGES)
E-5.	COST ESTIMATE FORM
E-6.	PROJECT TIMELINE
E-7.	RESOLUTION (2 PAGES)
E-8.	ATTORNEYS CERTIFICATION OF TITLE
E-9.	REQUIRED MAPS
	County/City Map of project location
	Site plan map

ATTACHMENT A
FY 2021-2022
WATERWAYS ASSISTANCE PROGRAM
SCHEDULE

January 2021 Availability of application packages.

Prior to March 4, 2021 Applicants schedule review of proposed projects with local FIND Commissioner, required before submission to the District office.

March 29, 2021 Application due in the District office by 4:30 PM (No Exceptions)
--

May 21, 2021 Application requirements must be completed or application will be eliminated from further consideration.

June 18 & 19, 2021 Applicants make a 10-minute presentation of application to FIND Board. Meeting held in Brevard County.

July 16, 2021 FIND Board reviews additional requested information and the Commissioners will complete the Application's Rating & Evaluation Form. Board makes final funding decisions on remaining eligible applications (subject to budget process).

Sept. 20, 2021 All remaining permits due.

October 1, 2021 Grant awards are announced. Funded applicants execute project agreement. Project funds become available, project initiates, timeline begins.

ATTACHMENT B**2020-2021 FIND BOARD OF COMMISSIONERS**

NASSAU COUNTY Mr. Lynn Williams 6400 E. Marina Dr. Long Beach, CA 90803 Ph# (847) 4922-1598 LWilliams@aicw.org	DUVAL COUNTY Mr. Michael O'Steen c/o PARC Group 4314 Pablo Oaks Court Jacksonville, FL 32224 Office Ph# (904) 992-9750 MOsteen@aicw.org
ST. JOHNS COUNTY Mr. Carl Blow 100 Santa Monica Avenue St. Augustine, FL 32080-5417 Ph# (904) 710-2655 JCBlow@aicw.org	FLAGLER COUNTY Mr. Jon Netts 17 Flintstone Court Palm Coast, FL 32137-8307 Ph# (386) 445-2121 JNetts@aicw.org
VOLUSIA COUNTY Vacant Please contact Janet Zimmerman @ FIND Ph# (561) 627-3386 jzimmerman@aicw.org	BREVARD COUNTY Mr. Jerry H. Sansom P.O. Box 98 Cocoa, FL 32923-0098 Ph# (321) 777-8130 jerryhsansom@aol.com
INDIAN RIVER COUNTY Vacant Please contact Janet Zimmerman @ FIND Ph# (561) 627-3386 jzimmerman@aicw.org	ST. LUCIE COUNTY Mr. Don Donaldson 138 Commonwealth Court Fort Pierce, FL 34949 Ph# (772) 260-1969 DDonaldson@aicw.org
MARTIN COUNTY Mr. Donald J. Cuzzo Cuzzo Design Group 926 SE 5TH Street Stuart, FL 34994 Ph # (772) 485-1600 dcuzzo@cdgplan.com	PALM BEACH COUNTY Mr. Charles Isiminger c/o Isiminger & Stubbs Engineering, Inc. 649 U.S. Highway 1, Suite 9 North Palm Beach, FL 33408-4616 Ph# (561) 881-0003 cisiminger@coastal-engineers.com
BROWARD COUNTY Mr. Frank Gernert Florida General Enterprises, LLC. 1109 Avocado Isle Fort Lauderdale, FL 33315 Ph # (954) 649-5200 FGernert@aicw.org	MIAMI-DADE COUNTY Mr. Spencer Crowley, III c/o Akerman LLP 98 SE 7 Street, Suite 1100 Miami, FL 33131 Ph# (305) 374-5600 spencer.crowley@akerman.com

ATTACHMENT C

2021 ASSISTANCE PROGRAM PROJECT PRIORITY LIST

<u>PRIORITY</u>	PROJECT CATEGORY	MAX POINTS AVAILABLE (Question #1)	<i>Highest Potential Score</i>
1.	Public navigation channel dredging.	8	50
2.	Public navigation aids & markers.	8	50
3.	Inlet management projects that are a benefit to public navigation in the District.	7	49
4.	Public shoreline stabilization directly benefiting the District's waterway channels. (ICW or OWW)	7	49
5.	Acquisition and development of publicly owned spoil disposal sites & public commercial/industrial waterway access	6	48
6.	Waterway signs & buoys for safety, regulation or information.	6	48
7.	Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;	5	47
8.	Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;	5	47
9.	Derelict vessel removal	4	46
10.	Waterway related environmental education programs & facilities	4	46
11.	Public fishing & viewing piers	3	45
12.	Public waterfront parks and boardwalks and associated improvements	3	45
13.	Maritime Management Planning	3	44
14.	Waterway boating safety programs & equipment	2	44
15.	Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project	2	43
16.	Environmental restoration, enhancement or mitigation projects	2	43
17.	Other waterway related projects.	1	42

NOTE: Projects qualifying for Emergency Re-Construction status may have an additional 3 points available to the potential score.

ATTACHMENT D

CHAPTER 66B-2 WATERWAYS ASSISTANCE PROGRAM (2021)

66B-2.001	Purpose
66B-2.002	Forms
66B-2.003	Definitions
66B-2.004	Policy
66B-2.005	Funds Allocation
66B-2.006	Application Process
66B-2.0061	Emergency Applications
66B-2.008	Project Eligibility
66B-2.009	Project Administration
66B-2.011	Reimbursement
66B-2.012	Accountability
66B-2.013	Acknowledgement
66B-2.014	Small-Scale Spoil Island Restoration and Enhancement Projects
66B-2.015	Small-Scale Derelict Vessel Removal Projects
66B-2.016	Waterways Cleanup Events

66B-2.001 Purpose.

Recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created Section 374.976, F.S. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policy and procedures for the implementation of an assistance program under Section 374.976, F.S., for local governments, member counties and navigation related districts within the District. This program will be known hereafter as the Florida Inland Navigation District's Waterways Assistance Program.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.001.

66B-2.002 Forms.

All forms for the administration of this program are available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.002.

66B-2.003 Definitions.

The basic terms utilized in this rule are defined as follows:

- (1) "APPLICANT" means an eligible governmental agency submitting an application through this program.
- (2) "APPLICATION" means a project proposal with the required documentation.
- (3) "AUTHORIZED SUBMISSION PERIOD" means the established period for submitting applications to the District.
- (4) "BEACH RENOURISHMENT" means the placement of sand on a beach for the nourishment, renourishment or restoration of a beach.
- (5) "BOARD" means the Board of Commissioners of the Florida Inland Navigation District.
- (6) "DISTRICT" means the Florida Inland Navigation District (FIND).
- (7) "ELIGIBLE GOVERNMENTAL AGENCY" means member counties, local governments and navigation related districts within the taxing boundaries of the District.
- (8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.
- (9) "EXECUTIVE DIRECTOR" means the Executive Director of the Florida Inland Navigation District.

(10) “LIAISON AGENT” means the contact person officially designated to act on behalf of the applicant or the project sponsor.

(11) “LOCAL GOVERNMENTS” means municipalities, cities, or consolidated county governments, which are located within the member counties.

(12) “MARITIME MANAGEMENT PLAN” means a written plan containing a systematic arrangement of elements specifically formulated to identify, evaluate and promote the benefits of eligible waterway accessibility and enjoyment, with consideration and respect to the physical, environmental and economic parameters of the planning area.

(13) “MATCHING FUNDS” means those funds provided by the local sponsor to the project.

(14) “MEMBER COUNTY” means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(15) “NAVIGATION RELATED DISTRICTS” means port authorities, inlet districts or any other agency having legally authorized navigation related duties in waterways of the District.

(16) “PRE-AGREEMENT COSTS” means project costs approved by the District Board which have occurred prior to the execution of the project agreement.

(17) “PROGRAM” means the Florida Inland Navigation District Waterways Assistance Program.

(18) “PROGRAM FUNDS” means financial assistance awarded by the Board to a project for release to the project sponsor pursuant to the terms of the project agreement.

(19) “PROJECT” means a planned undertaking consisting of eligible program facilities, improvements or expenses for the use and benefit of the general public.

(20) “PROJECT AGREEMENT” means an executed contract between the District and a project sponsor setting forth mutual obligations regarding an approved project.

(21) “PROJECT MAINTENANCE” means any usual action, activity, expense, replacement, adjustment or repair taken to retain a project or grant item in a serviceable, operational or normal condition, or the routine efforts and expenses necessary to restore it to serviceable or normal condition, including the routine recurring work required to keep the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

(22) “PROJECT MANAGER” means the District employee who is responsible for monitoring the performance of the Project and compliance with the project agreement.

(23) “PROJECT PERIOD” means the approved time during which costs may be incurred and charged to the funded project.

(24) “PROJECT SPONSOR” means an eligible governmental agency receiving program funds pursuant to an approved application.

(25) “PUBLIC BUILDING” means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(26) “PUBLIC MARINA” means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(27) “PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS” means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District’s waterways to serve the infrastructure needs of the District’s waterway users.

~~(28) “TRIM HEARING” means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.~~

~~(29)~~ (28) “WATERWAYS” means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

~~(30)~~ (29) “WATERWAY RELATED ENVIRONMENTAL EDUCATION” means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; and, becomes motivated to apply action strategies to maintain balance between quality of life and quality of the environment of waterways.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11.

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) Financial Assistance Eligibility: Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, maritime management plans, and boating safety projects directly related to the waterways.

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, and boating safety projects directly related to the waterways.

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must meet the development and operational criteria established by the District through a long-range dredge material management plan for that county. Navigation related districts may also be provided with assistance for waterway related access projects, environmental mitigation projects associated with waterway improvement related activities, and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(d) Eligible projects shall include the acquisition and development of public boat ramps and launching facilities, including those in man-made, navigable waterways contiguous to “waterways” as defined in Rule 66B-2.003, F.A.C.

(2) Notification: The District will notify by direct mail, email and/or advertised public notice all eligible governmental agencies of the program and the upcoming authorized submission period.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

(4) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

(5) Waterway Impacts: All development projects must be designed so as not to impact navigation along the District’s waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in Section 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6) Project Maintenance: The project sponsor shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

(7) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District’s intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

(8) Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

(9) Third-Party Project Operators: Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(10) Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

(11) Fees: Any public project eligible for District program funds that charges a fee or will charge a fee must create and maintain an enterprise fund for the public project that shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life. Accounting records of the previous five years of the public project's enterprise fund will be submitted as part of any subsequent assistance program application to the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History—New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15.

66B-2.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (A) through (F) Waterways Assistance Program Application and Evaluation Worksheet (effective date 1/2014), hereby incorporated by reference and available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03568>, and available from the District office or by download from the District's webpage at: www.aicw.org.

(1) Funding Assistance Availability: In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) percent of the proportional share of the District's ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs, or in counties that are recovering from a state of emergency declared under Chapter 252, F.S.

(2) Project Funding Ratio: All financial assistance and support to eligible governmental agencies shall require, at a minimum, equal matching funds from the project sponsor, with the exception of public navigation projects that meet the provisions of subsection 66B-2.005(6), F.A.C., land acquisition projects in accordance with subsection 66B-2.005(7), and Rule 66B-2.008, F.A.C., small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-2.014, F.A.C., derelict vessel projects consistent with Rule 66B-2.0015, F.A.C., ~~and~~ Waterway Cleanup Projects approved under Rule 66B-2.0016, F.A.C. and projects approved in counties recovering from a state of emergency. Applicant's in-house costs are limited pursuant to paragraph 66B-2.008(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty percent (50%) of the local share of the cost of an inlet management or beach renourishment project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the

expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) Multi-Year Funding: The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process. All approved multi-year projects are limited to a maximum of two (2) additional funding requests.

(5) Inlet Management and Beach Renourishment: Projects and project elements in the categories of inlet management and beach renourishment shall be subject to the following provisions. The District shall contribute no more than fifty percent of the local share of the cost of the project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. Funding for the construction phase of an inlet management or beach renourishment project may be approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. Additionally the following provisions shall be met for inlet management or beach renourishment projects:

(a) Inlet Management: Inlet management projects shall benefit public navigation within the District and shall be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to Section 161.161, F.S. Prior to funding any inlet management project, the Board shall make a finding that the project is a benefit to public navigation in the District. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

(b) Beach Renourishment: All projects in this category shall be consistent with the statewide beach management plan. Beach renourishment projects shall only include those beaches that have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. Prior to funding any beach renourishment project project, the Board shall make a finding that the beaches to be nourished have been adversely impacted by navigation inlets, navigation structures, navigation dredging or a navigation project. The determination of beach areas that are adversely impacted by navigation for the purposes of this program shall be made by Department of Environmental Protection approved inlet management plans. If state funding is not provided for a beach project, public access with adequate parking must be available in accordance with Chapter 161, F.S.

(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more publicly accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels. Navigation projects or project elements that have one facility open to the public will qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) Land Acquisition: Land acquisition projects that provide for commercial/industrial waterway access shall qualify for a maximum of fifty (50) percent funding. All other land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. All funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding. Immediately upon acquiring title to the land, the applicant shall record a declaration of covenants in favor of the District stating that if the required boating access facility is not constructed within 7 years and dedicated for the public use as a boating access facility for a minimum period of 25 years after completion of construction, the District shall require the applicant to refund the program funding.

(8) Seaport Funding Eligibility: Financial assistance to seaports may exceed the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the county in which such seaport is located if the seaport can demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History--New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11, 3-7-12, 4-10-13, 1-27-14, 5-15-16.

66B-2.006 Application Process.

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Projects eligible Small-Scale Derelict Vessel Applications and Waterway Cleanup Events, all applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and the Waterway Assistance Program Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) (effective date 1/2014) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, the Small-Scale Derelict Vessel program, and eligible Waterway Cleanup Events, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and the Waterway Assistance Program Project Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date 4-15-07).

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Form No. 90-21, Resolution for Assistance Under the Florida Inland Navigation District Waterways Assistance Program (effective date 10-14-92), hereby incorporated by reference and available from the District office.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00), hereby incorporated by reference and available from the District office.

(5) Maps and Geographic Information: All applicants shall be required to submit, at minimum, the following geographic information: A County location map, a project location map, a project boundary map, and a clear and detailed site development map for land development projects.

(6) Application Review: Applicants shall obtain the local FIND Commissioner's initials on Form No. 90-26 prior to submitting the application to the District office. It is the applicant's responsibility to make timely arrangements for the local FIND Commissioner's review. In the absence of extenuating circumstances outside of the applicant's control as determined by the Board of Commissioners, an application shall not be considered complete if it does not include the local FIND commissioner's initials on Form No. 90-26. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 7-30-02), and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(7) Interlocal Agreements: Applications that the Board determines will directly benefit the maintenance of the Atlantic

Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to Chapter 163 or Section 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and property control requirements.

(8) Application Presentations: Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(9) Application Evaluation and Rating Score: Following the presentations, the Board will review the applications and evaluate them using the Waterways Assistance Program Application and Evaluation Worksheets No. 91-25 (A) through (F) for Waterways Assistance Program applications. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application. Only Applicants that are eligible under Rule 66B-2.0061, F.A.C., "Disaster Relief Applications," shall complete FIND Form No. 91-25F Emergency Re-Construction (effective date 4-24-06, 1/2014).

(10) Funding Determination: The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11, 1-27-14.

66B-2.0061 Disaster Relief Applications.

Disaster Relief applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. Applicants for Disaster Relief shall use the same forms listed in Rule 66B-2.006(2), F.A.C. The District shall consider these applications in accordance with these rules.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended 4-24-06.

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, inlet management, maritime management planning, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, or improvement, of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging,
2. Public navigation aids and markers,
3. Inlet management projects that are a benefit to public navigation in the District,
4. Public shoreline stabilization directly benefiting the District's waterway channels,
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access,
6. Waterway signs and buoys for safety, regulation or information,

7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities,
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities,
9. Derelict Vessel Removal,
10. Waterways related environmental education programs and facilities,
11. Public fishing and viewing piers,
12. Public waterfront parks and boardwalks and associated improvements,
13. Maritime Management Planning,
14. Waterways boating safety programs and equipment,
15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and,
16. Environmental restoration, enhancement or mitigation projects; and,
17. Other waterway related projects. Waterway projects that do not meet specific criteria in subsection 66B-2.005(5) or (6) or subparagraphs 66B-2.008(1)(a)1.-16., F.A.C., but are located on eligible waterways shall be considered for funding under the priority listing of “other waterway related project” and eligible for 25% funding.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat,
2. Restrooms for non-waterway users,
3. Roadways providing access to non-waterway users,
4. Parking areas for non-waterway users,
5. Utilities for non-waterway related facilities,
6. Lighting for non-waterway related facilities,
7. Project maintenance and maintenance equipment,
8. Picnic shelters and furniture for non-waterway related facilities,
9. Vehicles to transport vessels; and,
10. Operational items such as fuel, oil, etc.
11. Office space that is not incidental and necessary to the operation of the main eligible public building; and,
12. Conceptual project planning, including: public surveys, opinion polls, public meetings, organizational conferences; and,
13. Inlet maintenance.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:
 - a. Project management, administration and inspection,
 - b. Design, permitting, planning, engineering or surveying costs for completed construction project,
 - c. Restoration of sites disturbed during the construction of an approved project,
 - d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1., above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting, Marine law enforcement and other vessels are eligible for a maximum of \$60,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District’s waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed,

lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the ~~District's final TRIM hearing third Monday in September~~. This demonstration will be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. ~~Should the environmental permitting element of an application that has construction elements requiring state or federal environmental permits or authorizations not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. Whereby funding decisions are completed at the final TRIM hearing, the District will not deviate from the funding schedule to accommodate any application deficiency. Failure to timely submit the required environmental permits and authorizations or letters stating such permits or authorizations are not required shall result in the application not being considered for funding.~~

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas. The public marina will be required to establish and maintain an accounting of the funds for the facility and shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life.

(5) The District may assist eligible local governments with efforts to prepare and implement a comprehensive maritime management plan. The plan shall be utilized by the eligible government to promote and maximize the public benefit and enjoyment of eligible waterways, while identifying and prioritizing the waterway access needs of the community. The plan should not duplicate any existing or ongoing efforts for the same waterway or water shed, nor shall the District participate in any effort that does not address the basic maritime needs of the community.

(a) Existing plans may be updated at reasonable intervals or amended to include waterway areas previously not included in the original effort. Public, government, environmental, industry and other pertinent interest groups shall be solicited and included for input in the planning process.

(b) The plan shall be utilized as a tool to provide a minimum 5-year planning analysis and forecast for the maritime needs of the community, and shall include, at minimum, the following:

1. Public boat ramp and ramp parking inventory and analysis.
 2. Public mooring and docking facility analysis, including day docks and transient slips.
 3. Commercial and working waterfront identification and needs analysis.
 4. The identification, location, condition and analysis of existing and potential navigation channels.
 5. An inventory and assessment of accessible public shorelines.
 6. Public Waterway transportation needs.
 7. Environmental conditions that affect boat facility siting, a current resource inventory survey, and restoration opportunities.
 8. Economic conditions affecting the boating community and boating facilities.
 9. Acknowledgment and coordination with existing data and information, including an emphasis on the Intracoastal Waterway.
- (c) Projects requested for assistance program funding shall be consistent with the applicant's maritime management plan. The

applicant should utilize the plan to assist in prioritizing waterway improvement projects.

(6) All eligible environmental restoration, enhancement or mitigation projects as well as the environmental restoration, enhancement or mitigation components of other types of projects shall be required to pursue and assign any available mitigation credits to the District for that share of the project funded through the District's Assistance Program. All eligible environmental restoration, enhancement or mitigation projects shall provide public access where possible.

(7) Final Decisions: The Board will make all final decisions on the eligibility of a Project or specific project costs.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15, 2-21-16.

66B-2.009 Project Administration.

The District will appoint a project manager who shall be responsible for monitoring the project and the project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) Project Agreement: For each funded project, the District and the project sponsor will enter into a project agreement. The project agreement shall be executed and returned by the project sponsor within six (6) months of the approval of the project funding and prior to the release of program funds, setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. Any request for a one-year extension of funding shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than July of fiscal year two of the approved project. This request will then be considered by the DISTRICT Board, whose decision shall be final. In review of these requests, the Board will take into consideration the current status and progress of the project and the ability of the applicant to complete the project within one additional year.

(2) Matching Funds: The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) Agreement Modification: All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the Executive Director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category, result in a reallocation of more than 35% of the approved funding of the project among project elements, nor allow for a greater than 35% change in the project scale or scope of work. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.

(4) Project Reporting: The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project. The report shall be submitted on Form 95-02, "Assistance Program Project Quarterly Status Report," dated 7-30-02, hereby incorporated by reference and available at the District office. A Final Project Report shall be submitted at the completion of the project and shall at minimum include: project summary, photo of completed project, final cost, project benefits to the waterway and location address.

(5) Reimbursement Requests: The liaison agent may submit periodic reimbursement requests during the project period in accordance with Rule 66B-2.011, F.A.C. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project by the District.

(6) Project Inspection: Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) Project Completion: The project shall be completed within three (3) years of the date of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), hereby incorporated by reference and available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.

(d) Photograph(s) of the completed project clearly showing the program improvements.

(9) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment which will include all retained funds from previous requests.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.009, Amended 3-21-01, 7-30-02, 3-7-11, 1-27-14.

66B-2.011 Reimbursement.

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 7-30-02) hereby incorporated by reference and available from the District office.

(1) Authorized Expenditures: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of:

(a) The percentage total of project funding that the Board has agreed to fund, or

(b) The maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(4) Retainage: The District shall retain ten percent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5) Check Presentations: A District representative shall present the final reimbursement check to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

(6) Recovery of Additional Project Funding: If the project sponsor receives additional funding for the project costs from another source that was not identified in the original application and that changes the agreement cost-share percentage, the project sponsor shall proportionately reimburse the District's program funds equal to the cost-share percentage in the approved project agreement. The project sponsor shall promptly notify the District of any project payments it receives from a source other than the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 6-24-93, Formerly 16T-2.011, Amended 3-31-99, 7-30-02, 3-7-11.

66B-2.012 Accountability.

The following procedures shall govern the accountability of program funds:

(1) Accounting: Each project sponsor is responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with subsection

66B-2.009(4), F.A.C.

(3) Completion Certification: All required final completion certification documents and materials as outlined in subsection 66B-2.009(8), F.A.C., of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) Auditing: All project records including project costs shall be available for review by the District or by an auditor selected by the District for 3 years after completion of the project. Any such audit expenses incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.012, Amended 7-30-02.

66B-2.013 Acknowledgement.

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.013, Amended 2-22-10.

66B-2.014 Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02, Call for Proposals – Small-Scale Spoil Island Restoration and Enhancement Program (effective date 7-30-02), hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Matching Funds: Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant's ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-2.014(4)(b), F.A.C.

(3) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding:

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District. The applicant shall include a map clearly delineating the location of all proposed work included in the application.

(4) Funds Allocation: Funds shall be allocated pursuant to Rule 66B-2.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

~~(5) Hold Harmless Waiver: All volunteers, who are not government employees, shall sign a hold harmless waiver Form No. 02-~~

~~01 (New 7-30-02) as approved by the District and hereby incorporated by reference and available from the District office.~~

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 7-30-02, Amended 4-24-06, 3-7-11.

66B-2.015 Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$30,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C. The applicant shall include a map clearly delineating the location of all vessels included in the application.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 4-24-06, Amended 4-15-07, 3-25-08, 3-7-11, 1-27-14.

66B-2.016 Waterways Cleanup Events.

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure: Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Availability: The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of subsections (8) through (10), below.

(3) Applicant Eligibility: The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.

(4) Funding: District funding shall be limited to \$5,000 per waterway, per county, except for the provisions of subsections (8) through (10), below.

(5) The District shall be recognized in all written, on-line, audio or video advertising and promotions as a participating sponsor of the clean-up program.

(6) Funding Eligibility: The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, haul and landfill fees, gloves,

advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.

(7) The District Board shall make all final decisions concerning the provision of funding for a clean-up program.

In addition to the requirements stated above, a cleanup program implementing all of the following additional incentives will qualify for up to additional \$5,000 in clean up funds.

(8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.

(9) The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.

(10) For each additional \$1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 3-7-11.

RESOLUTION 2021-14

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA INLAND NAVIGATION DISTRICT AND AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF PALM BAY AND THE FLORIDA INLAND NAVIGATION DISTRICT TO SECURE A WATERWAY ASSISTANCE PROGRAM GRANT FOR A CHANNEL MARKER PILING AND SIGN REPLACEMENT PROJECT IN THE WATERS OF TURKEY CREEK; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay is interested in carrying out the following described project for the enjoyment of the citizenry of Palm Bay and the State of Florida:

Project Title:	Turkey Creek Channel Marker Piling and Sign Replacement
Total Estimated Cost:	\$100,000
Brief Description of the Project:	Reimbursement assistance for design, permitting, materials and professional installation to replace 22 Turkey Creek channel markers which are deteriorating and no longer visible for navigation or are currently deteriorated with unknown remaining viability.

WHEREAS, Florida Inland Navigation District financial assistance is required for the program mentioned above, and

WHEREAS, the City of Palm Bay desires to apply for funding through the Florida Inland Navigation District in the amount of seventy-five percent (75%) of the actual cost of the project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City will accept the terms and conditions set forth in FIND Rule 66B-2 Florida Administrative Code, which will be part of the Project Agreement for any assistance awarded under the referenced proposal.

SECTION 2. The City is in complete accord with the proposal and the City will carry out the program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any changes has been received from the District.

SECTION 3. The City has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of the City of Palm Bay for public use.

SECTION 4. The City will not discriminate against any person on the basis of race, color or national origin in the use of the property or facility acquired or developed pursuant to this proposal and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964 P.L. 88-352 (1964) and shall design and construct all facilities to fully comply with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.

SECTION 5. The City will maintain adequate financial records on the proposed project to substantiate any claims for reimbursement.

SECTION 6. The City will make available to FIND if requested a post-audit of expenses incurred on the project prior to or in conjunction with the request for the final ten percent (10%) of the funding agreed to by FIND.

SECTION 7. This Resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2021- , of the City Council of the City
of Palm Bay, Brevard County, Florida, held on , 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Patricia Smith, City Attorney

DATE: 3/18/2021

RE: Ordinance 2021-14, amending the Code of Ordinances, Chapter 54, Franchises, by repealing the subchapter titled 'Solid Waste Collection', in its entirety, first reading.

This ordinance repeals Chapter 54, subchapter "Solid Waste Collection" because Harris Sanitation, Inc. (Waste Management) no longer holds the franchise for residential and commercial solid waste collection. This change is necessary to bring the City's Code of Ordinances current regarding the City's franchise holder for solid waste collection.

REQUESTING DEPARTMENT:

City Attorney's Office

RECOMMENDATION:

Motion to approve Ordinance 2021-

ATTACHMENTS:

Description

Ordinance 2021-14

ORDINANCE 2021-14

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 54, FRANCHISES, BY REPEALING THE SUBCHAPTER TITLED 'SOLID WASTE COLLECTION', IN ITS ENTIRETY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR DELETION FROM THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 54, Franchises, Subchapter 'Solid Waste Collection', is hereby repealed in its entirety:

~~"SOLID WASTE COLLECTION~~

~~Section 54.30 HARRIS SANITATION, INC. (WASTE MANAGEMENT).
[ORDINANCE NO. 2010-19]~~

~~An ordinance of the City of Palm Bay, Brevard County, Florida, granting a franchise to Harris Sanitation, Inc. for residential and commercial solid waste collection, all roll-off container service and collection, collection of certain recyclable materials, and other solid waste collection and disposal not otherwise prohibited by law; providing for a contract that outlines the duties, rights and obligations of Harris Sanitation, Inc. and the city; providing for amendment to the contract; providing for enforcement; providing for the repeal of ordinances or parts of ordinances in conflict herewith; providing for inclusion in the City of Palm Bay code of ordinances; providing for a severability clause; providing for an effective date.~~

~~WHEREAS, the City Council of the City of Palm Bay has determined that it is in the best interest of the health and welfare of the citizens of the City to require that all residents and commercial establishments within the city have their solid wastes collected by an authorized solid waste hauler, and~~

~~WHEREAS, the City of Palm Bay has had a long-standing relationship with Harris Sanitation, Inc. (commonly referred to as Waste Management, a related corporation), and~~

~~WHEREAS, the current contract with Harris Sanitation, Inc. provides that the terms and conditions of such contract may be amended by mutual consent and that the contract may be extended by mutual consent for indefinite five (5) year periods of time, and~~

~~WHEREAS, the City of Palm Bay has found that Harris Sanitation, Inc. is well qualified to render solid waste collection services within the City and it is expedient and in the best interest of the City to amend the agreement with Harris Sanitation, Inc., and, in so doing, amend this franchise ordinance accordingly, and~~

~~WHEREAS, the City Council of the City of Palm Bay has the authority to amend this Ordinance pursuant to the home rule powers of the City of Palm Bay as set forth at Article VIII, Section 2, of the Constitution of the State of Florida; Chapter 166, Florida Statutes; and other applicable controlling law.~~

~~Now, therefore, be it enacted by the City Council of the City of Palm Bay, Brevard County, Florida, as follows:~~

~~Section 1.~~

~~Harris Sanitation, Inc. (hereinafter called "Provider") is hereby granted an exclusive franchise to operate upon, over and across the streets, alleys, bridges and other public thoroughfares of the City of Palm Bay (hereinafter called the "City"), for the purpose of collecting, removing and disposing of refuse and solid waste materials, and shall also include recyclable material collection from businesses, residences and multi-family sites within the City, subject to the terms, conditions, and expectations contained in the contract approved by the City Council on June 3, 2010. The exclusivity of this franchise shall not apply to roll-off bulk containers or collection of recyclable materials. The exclusivity of this franchise is conditioned upon and subject to any laws or court decisions that make or declare such exclusive contracts illegal or contrary to law.~~

~~Section 2.~~

~~All owners or tenants, agents, lessors, lessees or operators of multifamily residential units and commercial property within the City shall subscribe to and pay for solid waste collection services in amounts as provided for in the contract between the City and Harris Sanitation, Inc., as may be amended from time to time.~~

~~Section 3.~~

~~All owners and/or tenants, agents, lessors, lessees of single-family residential units shall be required to have solid waste and recycling collection performed by Harris Sanitation, Inc. and will be billed for such collection by the City~~

~~of Palm Bay in amounts provided for in the contract between the City and Harris Sanitation, Inc. as may be amended from time to time.~~

~~Section 4.~~

~~The collection of solid waste and recycling shall be governed by Chapter 150 of this Code. Where a conflict between Chapter 150 and the contract between Harris Sanitation, Inc. and the City exist, Chapter 150 shall control.~~

~~Section 5.~~

~~The contract stated herein between Harris Sanitation, Inc. and the City, originally approved by the City Council on June 3, 2010, may be amended from time to time upon mutual consent of the parties and upon approval of the City Council.~~

~~Section 6.~~

~~The provisions of this franchise shall be enforced by the City Manager of the City of Palm Bay.~~

~~Section 7.~~

~~All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.~~

~~Section 8.~~

~~It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.~~

~~Section 9.~~

~~If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.~~

~~Section 10.~~

~~The provisions within this ordinance shall take effect as of October 1, 2010."~~

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the City of Palm Bay Code of Ordinances be revised to delete the language as specified above.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2021- , held on , 2021; and
read in title only and duly enacted at Meeting 2021- , held on , 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Patricia Smith, City Attorney

DATE: 3/18/2021

RE: Ordinance 2021-15, amending the Code of Ordinances, Chapter 54, Franchises, by creating a new subchapter to be titled 'Solid Waste Collection', first reading.

The City of Palm Bay no longer has a franchise agreement with Harris Sanitation, Inc. as the agreement terminated September 30, 2020. The City executed a franchise agreement with Republic Services, LP. The changes are necessary to update the franchise information in the Code of Ordinances.

REQUESTING DEPARTMENT:

RECOMMENDATION:

Motion to approve changes to Title V: Legislative, Chapter 54, Franchises, Palm Bay Code of Ordinances.

ATTACHMENTS:

Description

Ordinance 2021-15

ORDINANCE 2021-15

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 54, FRANCHISES, BY CREATING A NEW SUBCHAPTER TO BE TITLED 'SOLID WASTE COLLECTION'; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Palm Bay has determined that it is in the best interest of the health and welfare of the citizens of the City to require that all residents and commercial establishments within the city have their solid wastes collected by an authorized solid waste hauler, and

WHEREAS, the City of Palm Bay issued a Request for Proposals (RFP) (#03-0-2020/38) for the award of a Franchise Agreement to provide collection and transport services for single-family and multi-dwelling residential solid waste, recyclables, yard waste, bulky waste, white goods, electronic waste and tires; and for commercial solid waste collected in individual containers, frontloading containers/bins, and compactors citywide, and

WHEREAS, the City of Palm Bay, Florida executed the Palm Bay Materials Management Agreement granting a franchise to Republic Services, LP for solid waste and recycling collection services effective June 1, 2020.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 54, Franchises, is hereby amended by creating a new Subchapter to be titled 'Solid Waste Collection', which shall henceforth read as follows:

“SOLID WASTE COLLECTION

(A) *Exclusive franchise.*

Pursuant to the City of Palm Bay Materials Management Agreement (franchise agreement), the City granted Republic Services of Florida, LP the exclusive right to provide collection and transport services for single-family and multi-dwelling residential solid waste, recyclables, yard waste, bulky waste, white goods, electronic waste and tires; and for commercial solid waste collected in individual containers, frontloading containers/bins, and compactors within the City limits of the City of Palm Bay. The exclusivity of this franchise shall not apply to the collection of construction and demolition debris or commercial recyclable materials. The exclusivity of this franchise is conditioned upon and subject to any laws or court decisions that make or declare such exclusive contracts illegal or contrary to law.

(B) *Term of franchise.* The franchise is effective June 1, 2020 and expires five (5) years thereafter but shall automatically renew for successive five-year periods (the “Term”) unless either party provides written notice of non-renewal at least sixty (60) days prior to the expiration of the then current Term, or unless otherwise terminated in accordance with the terms of the franchise agreement as may be amended from time to time.

(C) *Conditions of the franchise.* The franchise shall continue to be conducted in accordance with the terms contained in the franchise agreement, as may be amended from time to time, attached as exhibit 1. The franchise agreement and any amendments shall remain an exhibit to this section and shall be remanded to the custody of the City Clerk who will maintain such for public inspection.

(D) *Enforcement.* The provisions of this franchise shall be enforced by the City Manager of the City of Palm Bay.”

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2021- , held on , 2021; and
read in title only and duly enacted at Meeting 2021- , held on , 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Patricia Smith, City Attorney

THRU: Patricia Smith, City Attorney

DATE: 3/18/2021

RE: Ordinance 2021-16, amending the Code of Ordinances, Chapter 150, Solid Waste Management, subchapters 'General Provisions' and 'Solid Waste Collection', by modifying and updating provisions contained therein, first reading.

The following changes are proposed to Title XV: Solid Waste Management, Chapter 150, Code of Ordinances, City of Palm Bay, Florida in order to reflect current services received by the citizens of Palm Bay. Changes include: (1) amendments and additions to definitions; (2) defining the types of recycling materials accepted; (3) weekly collection schedules; (4) reduced limitations on bulk and yard waste materials; (5) providing for collection of various sized containers; (6) extending the time for placing materials curbside; (7) providing direction for tire collection; and (8) providing for minor home improvement collection.

REQUESTING DEPARTMENT:

City Attorney's Office

FISCAL IMPACT:

None.

RECOMMENDATION:

Motion to approve changes to Title XV: Solid Waste Management, Chapter 150, Palm Bay Code of Ordinances.

ATTACHMENTS:

Description

Ordinance 2021-16

ORDINANCE 2021-16

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XV, SOLID WASTE MANAGEMENT, CHAPTER 150, SOLID WASTE MANAGEMENT, SUBCHAPTERS 'GENERAL PROVISIONS' AND 'SOLID WASTE COLLECTION', BY MODIFYING AND UPDATING PROVISIONS CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title XV, Solid Waste Management, Chapter 150, Solid Waste Management, Subchapter 'General Provisions', is hereby amended and shall henceforth read as follows:

"GENERAL PROVISIONS

Section 150.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASHES. The residue from burned material.

>>BAGS. Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed thirty-five (35) pounds. Bags should be used for solid waste.

BIN. Metal receptacle (roll-off container, dumpster, compactor or the like) designed to be lifted and emptied for use primarily at selected Municipal Facilities and Large Commercial or Industrial Units.<<

BIOHAZARDOUS WASTE. Any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste which contain human disease-causing agents; used disposable sharps; human blood, and human body products and body fluids; and other >>materials<< which in the

opinion of the Department of Health and Rehabilitative Services represent a significant risk of infection to persons outside the generating facility.

BULKY WASTES. Large discarded >>household<< items placed for disposal such as large boxes, barrels, crates, appliances, and large furniture but not including garden and yard trash and special waste items >>such as white goods, furniture, mattresses, residential move-out piles and other similar items and materials with weights or volumes greater than those allowed for Bins or Containers. Bulky waste shall not include any Excluded Waste, Construction Debris, Large Dead Animals, Hazardous Waste or Stable Matter<<.

BUILDING MATERIALS. Any material such as lumber, brick, mortar, plaster, cement, wallboard, or other substances accumulated as a result of construction of a new building, demolition or removal of an existing structure, or generated from repairs or additions to existing buildings.

>>***CART.*** City-owned container available in sizes of 35-gallon, 64-gallon or 95-gallon that is designed for the purpose of curbside collection of Solid Waste or Recyclable Materials, constructed of plastic having a tightly fitted lid and compatible with the standard American semi-automated bar-locking lifters and fully-automated arm lifters.<<

* * *

COMMERCIAL UNITS. Identified as, but not limited to all businesses, office buildings, stores, filling stations, motels, laundries, hotels, public buildings, food service, lodging establishments, service establishments, light industry, heavy industry, schools, churches, clubs, hospitals and nursing homes >>and multi-family units<<.

* * *

>>***CONSTRUCTION DEBRIS.*** Discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited, to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of construction or demolition project or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site.<<

* * *

CONTAINERS.

(1) **PORTABLE PACKING UNIT.** A metal container not exceeding forty-five hundred (4,500) pounds gross weight with four (4) to six (6) cubic yards capacity with self-packing mechanisms.

(2) **CONTAINER.**

(a) **CART** shall mean a container of ~~sixty-four (64) gallon capacity~~ >>35-gallon, 64-gallon or 95-gallon capacity<< which shall be provided by the city and shall be of impervious material, provided with a tight-fitting cover suitable to protect the contents from flies, insects, rats and other animals, fitted in such manner that it may be lifted by any mechanical means and which shall not have any inside structures such as inside bands or reinforcing angles or anything within that would prevent the free discharge of the contents.

>>(b) Yard Waste container can be constructed of plastic, metal or fiberglass and shall have handles of adequate strength for lifting.<<

>>(c)<< Metal containers varying in size from two (2) to eight (8) cubic yards in capacity normally used by commercial operations and capable of being serviced by a front-loading refuse collection vehicle (bulk container).

* * *

CURBSIDE. That area abutting the known edge of the road on improved lots >>, and the portion of right-of-way adjacent to paved or traveled City roadways<<.

>>**CUSTOMER.** An individual or business who receives mandatory collection services.<<

* * *

>>**EXCLUDED WASTE.** Excluded Waste is Construction Debris, Large Dead Animals, Hazardous Waste Stable Matter, Vegetable Waste, and Special Waste.<<

* * *

~~**GARBAGE BAG.** Plastic or paper disposable bags of substantial strength and of a quality approved by the City Manager or City Representative as suitable for containing refuse.~~

* * *

~~**HAZARDOUS MATERIALS (HAZMAT.)** Any solid, liquid, or gaseous material that is toxic, flammable, radioactive, corrosive, chemically reactive, or unstable upon prolonged storage in quantities that could pose a threat to life, property, or the environment defined in Section 101(14) of Comprehensive~~

~~Environmental Response, Compensation and Liability Act of 1980 and in 40 CFR 300.6. Also defined by 49 CFR 171.8 as a substance or material designated by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and which has been so designated. See definition of hazardous substance.~~

~~**HAZARDOUS SUBSTANCE.** As defined by Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act; any substance designated pursuant to Section 311(b) (2) (A) of the Clean Water Act; any element, compound, mixture, solution or substance designated pursuant to Section 102 identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste listed under Section 307[a] of the Clean Water Act); any hazardous air pollutant listed under Section 112 of the Clean Air Act; and any imminently hazardous chemical substance or mixture pursuant to Section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof, which is not otherwise specifically listed or designated as a hazardous substance in the first sentence of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).~~

~~**HAZARDOUS WASTE.** Those solid wastes designated by OSHA in accordance with 40 CFR 261 due to the properties of ignitability, corrosivity, reactivity, or toxicity. Any material that is subject to the Hazardous Waste Manifest requirements of the EPA specified in 40 CFR Part 262. >>A form of Excluded Waste, defined as any radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, biohazardous, toxic or listed or characteristic Hazardous Waste as defined by federal, state, or local law or any otherwise regulated waste. Hazardous Waste shall include, but not be limited to, any amount of waste listed or characterized as hazardous by the United States Environmental Protection Agency or any state agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended, and including future amendments, and any other applicable federal, state or local laws or regulations.<<~~

* * *

~~**RECYCLABLE MATERIALS.** Material which can be removed from the solid waste stream and reused in manufacturing, agriculture, power production or other processes and which for the purpose of this chapter are defined as >>The following items are classified as Recyclable Materials<<~~

~~(1) — All cans — including empty aerosol spray cans.~~

~~(2) Glass food and beverage bottles and jars only any color excluding: ceramics, dishes, window glass, mirrors or light bulbs.~~

~~(3) Newspaper shiny inserts, magazines, junk mail, catalogs, phone books, paper, cardboard cereal boxes or corrugated cardboard.~~

~~(4) Plastic beverage, shampoo, laundry detergent or bleach bottles excluding auto products (motor oil or anti-freeze), pool chemicals, pesticides or fertilizers.~~

>>(1) Metal or aluminum cans – clean aluminum tin or steel food and beverage containers; and

(2) Paper and cardboard – clean and dry flattened cardboard, newspapers, magazines, office paper and common main; and

(3) Plastic bottles and jugs – food and liquid containers with the lids on (Pete or polyethylene terephthalate and HDPE or high-density polyethylene).<<

* * *

RESIDENTIAL UNIT. ~~Any structure, shelter, trailer, or any party of a multi-dwelling building with fewer than four (4) units used or constructed for use as a residence for one (1) family.~~ >>Any structure, shelter, trailer, or any part of a multifamily building with fewer than four (4) units used within the corporate limits of the City occupied by a person or group of persons. A Residential Unit shall be deemed occupied when either water or domestic electric and power services are being supplied to the unit. A condominium dwelling, whether of single or multi-level construction, consisting of less than four contiguous or separate single-family dwelling units, shall be treated as a Residential Unit, except that each single-family dwelling within any such Residential Unit shall be billed separately as a Residential Unit. A townhouse development comprised of individually owned units shall be treated as a Residential Unit, except that each single-family dwelling within any such Residential Unit shall be billed separately as a Residential Unit.<<

SOLID WASTE. ~~Garbage, refuse, garden and yard trash, clean debris, white goods, special waste, ashes, sludge, or other discarded materials, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agriculture, or governmental operations.~~ >>Useless, unwanted or discarded materials with insufficient liquid content to be free-flowing, that result from domestic, industrial, commercial, agricultural, governmental and community operations which require proper storage, collection, transportation and disposal to prevent environmental pollution inimical to public

health, safety and welfare. Solid Waste does not include sewage, earth or material used to fill land in accordance with construction codes, mining residues, slag, dissolved or suspended solids in industrial waste water effluents which are not acceptable for disposal in sanitary sewage treatment system or any material included in the definition of Excluded Waste. Solid Waste is commonly referred to as garbage.<<

>>SPECIAL WASTE. Any nonhazardous solid waste which, because of its physical characteristics, chemical make-up, or biological nature requires either special handling, disposal procedures including liquids for solidification at the landfill, documentation, and/or regulatory authorization, or poses an unusual threat to human health, equipment, property, or the environment. Special Waste includes, but is not limited to:

(1) Waste generated by an industrial process or a pollution control process;

(2) Waste which may contain residue and debris from the cleanup of spilled petroleum, chemical or commercial products or wastes, or contaminated residuals;

(3) Waste which is nonhazardous as a result of proper treatment pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 ("RCRA");

(4) Waste from the cleanup of a facility which generates, stores, treats, recycles or disposes of chemical substances, commercial products or wastes;

(5) Waste which may contain free liquids and requires liquid waste solidification;

(6) Containers that once contained hazardous substances, chemicals, or insecticides so long as such containers are "empty" as defined by RCRA;

(7) Asbestos containing or asbestos bearing material that has been properly secured under existing Applicable Law;

(8) Waste containing regulated polychlorinated biphenyls (PCBs) as defined in the Toxic Substances Control Act (TSCA);

(9) Waste containing naturally occurring radioactive material (NORM) and/or technologically enhanced NORM (TENORM); and

(10) Municipal or commercial solid waste that may have come into contact with any of the foregoing.<<

* * *

>>**WASTE MATERIAL.** All nonhazardous, Solid Waste (including Yard Waste, Tires and Recyclable Materials) generated at Residential Units and Municipal Facilities that is not excluded by this Agreement. Waste Material shall not include any Excluded Waste.<<

WIRE-MESH CONTAINER. A functional container constructed of welded wire mesh, six (6) inches by six (6) inches, of sufficient size to contain on-site refuse.

>>**WHITE GOODS.** Large discarded appliances, including but not limited to refrigerators, ranges, washing machines, clothes dryers, water heaters, freezers, and air conditioners. White Goods must be generated by the Customer at the Customer's improved real property where the White Goods are collected.

>>**VEGETABLE WASTE.** Putrescible solid waste resulting from the processing of plants for food by commercial establishments such as canneries. This definition does not include waste products resulting from the preparation and consumption of food in places such as cafeterias and restaurants.

>>**YARD WASTE.** Grass, leaves, flowers, stalks, stems, tree trimmings, branches and tree trunks. All tree and shrubbery trimmings shall be of such size that they can be readily loaded by one (1) person. Stumps, trees, limbs and other such objects shall be cut in lengths of no greater than four (4) feet if the diameter of the item is less than six (6) inches, and shall be cut in lengths of no greater than two (2) feet if the diameter of the item is greater than six (6) inches. For yard waste collection services, grass, pine needles, leaves, flowers, stalks, stems, and small tree trimmings (less than two (2) feet in length and less than two (2) inches in diameter) shall be in a container. Larger tree trimmings shall be laid neatly in piles at curbside. Branches in excess of two (2) feet in length may, but are not required to be, in a container. Contractor shall be obligated to collect unlimited amounts of yard waste from each Residential Unit.<<

SECTION 2. The City of Palm Bay Code of Ordinances, Title XV, Solid Waste Management, Chapter 150, Solid Waste Management, Subchapter 'Solid Waste Collection', is hereby amended and shall henceforth read as follows:

“SOLID WASTE COLLECTION

Section 150.40 SOLID WASTE MANDATORY COLLECTION.

* * *

(B) The City Manager shall have the authority to make regulations **>>and enter into agreements with waste collection vendors or franchise holders<<** concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance, and disposal as shall be necessary, and to change and to modify the same, after notice as required by law, provided that such regulations are not contrary to the provisions of this chapter.

Section 150.41 COLLECTION REQUIREMENTS.

(A) Residential mandatory collection.

(1) All refuse **>>, yard waste, bulky waste<<** and recyclable materials shall be placed within the refuse containers provided by the city (CARTS), **>>or otherwise prepared for collection in appropriate manner as required<<** off the edge of the street surface or edge of alley adjacent to the driveway. In all cases, refuse containers and all items for collection must be placed at a location accessible to collection personnel and equipment. Refuse shall not be placed in such a manner as to obstruct or otherwise restrict the use of sidewalks by the general public, and shall not be placed within fifteen (15) feet of any fire hydrant nor on top or over any water meter. **>>Residential Customers may not place out for collection any type of Excluded Waste.<<**

(2) (a) All garbage and household trash shall be collected ~~one~~ **>>two (2) times<<** per week. Recyclable materials shall be collected one (1) time per week. Garden and yard trash, tree and shrubbery trimmings shall be collected one (1) time per week. **>>Bulky waste will be collected one (1) time per week.<<**

(b) All residents, owners and/or tenants, agents, lessors, lessees, operators, occupants of premises within the city, shall deposit refuse and recyclable materials, and the like, at the designated collection point prior to ~~6:00~~ **>>4:00<<** a.m. on the scheduled day of collection, but not prior to 5:00 p.m. on the day before collection. Empty containers must be removed from curbside on the day of collection.

(B) Commercial mandatory collection.

(1) All refuse from the commercial unit shall be placed in mechanical containers for removal. All refuse mechanical containers regardless of the siting on the property, shall be screened on at least three (3) sides by masonry

wall, or wooden fencing, or other materials, at least six (6) feet in height, as approved by the city, which renders the view of the mechanical container opaque from adjacent properties. >>Commercial mandatory collection shall be provided at least once per week or pursuant to a special event permit, as applicable.<<

(2) No mechanical containers shall be located on any road right-of-way or parking setback. All multiple dwelling areas of sixteen (16) units or more must have a mechanical container, with a minimum size of two (2) cubic yards, for garbage and household trash collection and disposal. No garden and yard trash, tree and shrubbery trimmings shall be placed in mechanical refuse containers together with garbage and household trash or recyclable materials. Lids on mechanical containers must be kept closed at all times; multiple dwelling units with less than sixteen (16) units may use containers emptied by mechanical means at the owner's discretion.

Section 150.42 PREPARATION REQUIREMENTS.

(A) *Refuse*. All refuse, before being placed in refuse containers for collection, shall be drained of all free liquids and shall be containerized. No person shall place in containers such material as unwrapped razor blades, broken glass or similar materials, which could cause possible injury to collection personnel >>or any other Excluded Waste<<.

(B) ~~Tree and shrubbery trimmings~~ >>Yard waste<<. All tree and shrubbery trimmings shall be of such size that they can be readily loaded by one (1) person. Stumps, trees, limbs and other such objects shall be cut in lengths of no greater than four (4) feet if the diameter of the item is less than six (6) inches, and shall be cut in lengths of no greater than two (2) feet if the diameter of the item is greater than six (6) inches >>and placed neatly for collection curbside. Branches larger than two (2) feet in length may be but are not required to be containerized and may be placed neatly curbside for collection<<.

(C) *Garden and yard trash (fine trash)*. All garden and yard trash (fine trash >>less than two (2) feet in length<<) shall be separated from all other household refuse and recyclable materials and stored in reusable containers acceptable to the contractor and approved by the City Representative for collection. No plastic or paper bags may be used for garden and yard trash storage/collection >>and should be containerized for curbside collection<<.

(D) *Bulk*>>y<< items. Bulk>>y<< items such as >>white goods,<< furniture, >>mattresses, residential move-out piles,<< appliances, yard toys and building materials from do-it-yourself projects, not to exceed twenty (20) cubic yards per project, >>or other similar items and materials with weights or volumes

greater than those allowed in bins or containers<< shall be placed at the curbside or beside service alley, if available. >>Contractor shall be obligated to collect unlimited amounts of bulky waste from each Residential Unit.<<

(E) *Household trash.* Household trash shall be placed in a refuse container at a single collection point ~~within six (6) feet of the curbside. No such refuse containers shall exceed fifty (50) pounds in weight~~ >>as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians<<. ~~No such bundle shall exceed a size of four (4) feet in length and twenty-four (24) inches in diameter and a weight of fifty (50) pounds.~~ >>Any bagged materials within containers may not exceed 35 pounds.<< Refuse which was generated off the premises or which results from a business/commercial activity not located on the premises shall be properly and legally disposed of by the owner at a permitted solid waste disposal facility.

* * *

>>(H) *Tires.* Residential Customers shall be provided with a collection of up to a maximum of four (4) discarded automotive, motor vehicle and trailer tires, including rims, per Residential Unit per year.

(I) *Construction and Demolition Debris from Minor Improvement Projects.* Collection of construction and demolition debris from minor improvement projects at a Residential Unit shall be provided for a small amount of containerized construction and demolition debris resulting from the Residential Customer's minor home improvement projects, with the exception of any treated wood which is prohibited from collection.<<

* * *

Section 150.46 RECYCLABLE MATERIALS.

* * *

>>(E) Recyclable materials are limited to the following for Residential Customers:

- (1) Metal or aluminum cans – clean aluminum tin or steel food and beverage containers; and
- (2) Paper and cardboard – clean and dry flattened cardboard, newspapers, magazines, office paper and common mail; and
- (3) Plastic bottles and jugs – food and liquid containers with the lids on (Pete or polyethylene terephthalate and HDPE or high-density polyethylene).<<

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 4. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 5. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 6. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2021- , held on , 2021; and
read in title only and duly enacted at Meeting 2021- , held on , 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Joan Junkala-Brown, Community & Economic Development Director

DATE: 3/18/2021

RE: Consideration of the Bayfront Community Redevelopment Agency 2020 Annual Report.

Per Chapter 163.371, Florida Statutes, not later than March 31 of each year, a community redevelopment agency (CRA) shall file an annual report with the county or municipality that created the agency and publish the report on the agency's website, and shall be required to provide such information as defined by the Chapter.

Additionally, per the Interlocal Agreement (ILA) between the City of Palm Bay, Bayfront CRA and Brevard County, the Agency shall file an annual report, in the format provided in Exhibit A of the ILA, to include additional information beyond what is required by Chapter 163.371.

Attached for review and consideration is the 2020 Annual Report of the Bayfront CRA. Please note that the financial information is unaudited. The City expects the final audit review to be complete in the latter part of March; therefore, an update to the Annual Report will be provided within 45 days after completion of the audit, as allowed by Chapter 163.371(2)(a), Florida Statutes.

REQUESTING DEPARTMENT:

Community & Economic Development

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to approve the 2020 Annual Report of the Bayfront Community Redevelopment Agency.

ATTACHMENTS:

Description

Bayfront CRA 2020 Annual Report

ILA (City, CRA & County) 2019 Oct 8

City of Palm Bay

Bayfront Community Redevelopment Agency

2020 Annual Report

I. Introduction, Mission and Overview

The City established the Bayfront Community Redevelopment District as a Community Redevelopment Agency (CRA) in 1999. The Bayfront Community Redevelopment Agency (Bayfront CRA) is due to sunset in 2024. A CRA is defined as a separate public entity created by the local municipality in order to implement redevelopment activities outlined in Chapter 163 of the Florida Statutes. The mission of the Bayfront CRA is to remove and reduce blight in the District, facilitate economic renewal and attract new capital investment.

The goal of the Agency, as stated in the adopted redevelopment plan, is to develop, redevelop, and revitalize the area over a 30-year period. The adopted vision of the Bayfront Redevelopment Plan is to have the District be redeveloped as an attractive, inviting, and economically successful community with residential, commercial, retail, and mixed-use development. This planned regional destination includes an active waterfront village for the enjoyment of all Palm Bay residents.

Fiscal Year 2020 Overview

An annual report of the Bayfront Community Redevelopment Agency (Bayfront CRA) for the fiscal year ending on September 30, 2020 is submitted herewith pursuant to Chapters 163.365(3)(c) and 163.371 of the Florida Statutes.

This report consists of the activities of the Agency and an unaudited financial statement of the Agency as reported by the City of Palm Bay's Comprehensive Annual Financial Report, Fiscal Year 2020.

A copy of the audited financial statement will be included herein following the completion of the City of Palm Bay's Comprehensive Annual Financial Report, Fiscal Year 2020, expected at the end of April 2021.

District Year in Review

In Fiscal Year (FY) 2020, the Bayfront CRA did not authorize any new activities committing Agency funds. The Agency did, however, authorize the City Manager to enter into a Letter of Intent (LOI) with a commercial developer interested in purchasing and

developing three City and CRA-owned parcels known as Pelican Harbor Marina. City and CRA staff met with the developer but ultimately the LOI was cancelled by the City due to lack of sufficient financial documentation from the developer.

In April 2020, the City and CRA contracted a commercial real estate broker, Redevelopment Management Associates, LLC (RMA) for the sale of CRA-owned parcels. The intent of land disposition of CRA property is to leverage the property for favorable commercial development that would ultimately increase the tax revenue of the CRA, redevelop said properties and serve as a catalyst for further redevelopment of the Bayfront Community Redevelopment Area. The CRA did not sell any property in FY 2020.

Nearing the end of FY 2020, the CRA was notified that a Temporary Certificate of Occupancy (TCO) was issued to Aqua Palm Bay Apartments, 320-luxury style apartment units located on Robert J. Conlan Boulevard and Dixie Highway/U.S. 1 along the Bayfront. The TCO was issued and pending final CO following the installation of the new traffic signal.

Total Assessed Taxable Value

The Fiscal Year (FY) 2020 Bayfront Community Redevelopment Agency witnessed another year of increased revenue due to steadily increasing property values within the redevelopment district.

As reported by the Brevard County Property Appraisers Office, the 2019 certified taxable property values within the Bayfront redevelopment district was \$223,965,788 up from the 2018 and 2017 certified taxable values totaling \$213,098,886 and \$202,868,778, respectively. The 2019 certified taxable property value represents a net increase of five (5) percent or \$10,866,902 in taxable property value for over the last fiscal year.

Tax Revenues

Redevelopment activity within District provided the Bayfront CRA increased tax revenues to \$1,403,970, a 5.5 percent increase over 2019 (\$1,327,443).

The City portion of the increment equaled \$955,498 (68%) while the Brevard County portion totaled \$448,472 (32%) for FY 2020.

Expenditures

Expenditures for the Fiscal Year 2020 totaled \$ with \$429,474.12 allocated to debt service.

Though the FY 2020 approved budget provided \$341,268.36 in total operational expenses, to include \$270,185 reimbursed to Brevard County for unexpended funds from Fiscal Years 2018 and 2019 per the Interlocal Agreement (ILA) between Brevard County, City of Palm Bay and Bayfront CRA executed on October 8, 2019. The CRA also initiated a transfer of \$566,525 to reimburse the City's General Fund for similar unexpended funds from Fiscal Years 2018 and 2019.

II. Board Members and Staff

In Fiscal Year 2017, Palm Bay City Council revised the composition of the Agency's governing body. Changes included the establishment of each City Councilman as a Bayfront CRA Commissioner to serve congruently with their term of office with the Mayor and Deputy Mayor serving as Chairman and Vice-Chairman respectively. The Board also includes two at-large citizen commissioners that are appointed by City Council. In FY 2020, the Board Commissioners were as follows:

Members

William Capote, Chairperson

Kenny Johnson, Vice-Chairperson

Harry Santiago, Commissioner

Brian Anderson, Commissioner

Jeff Bailey, Commissioner

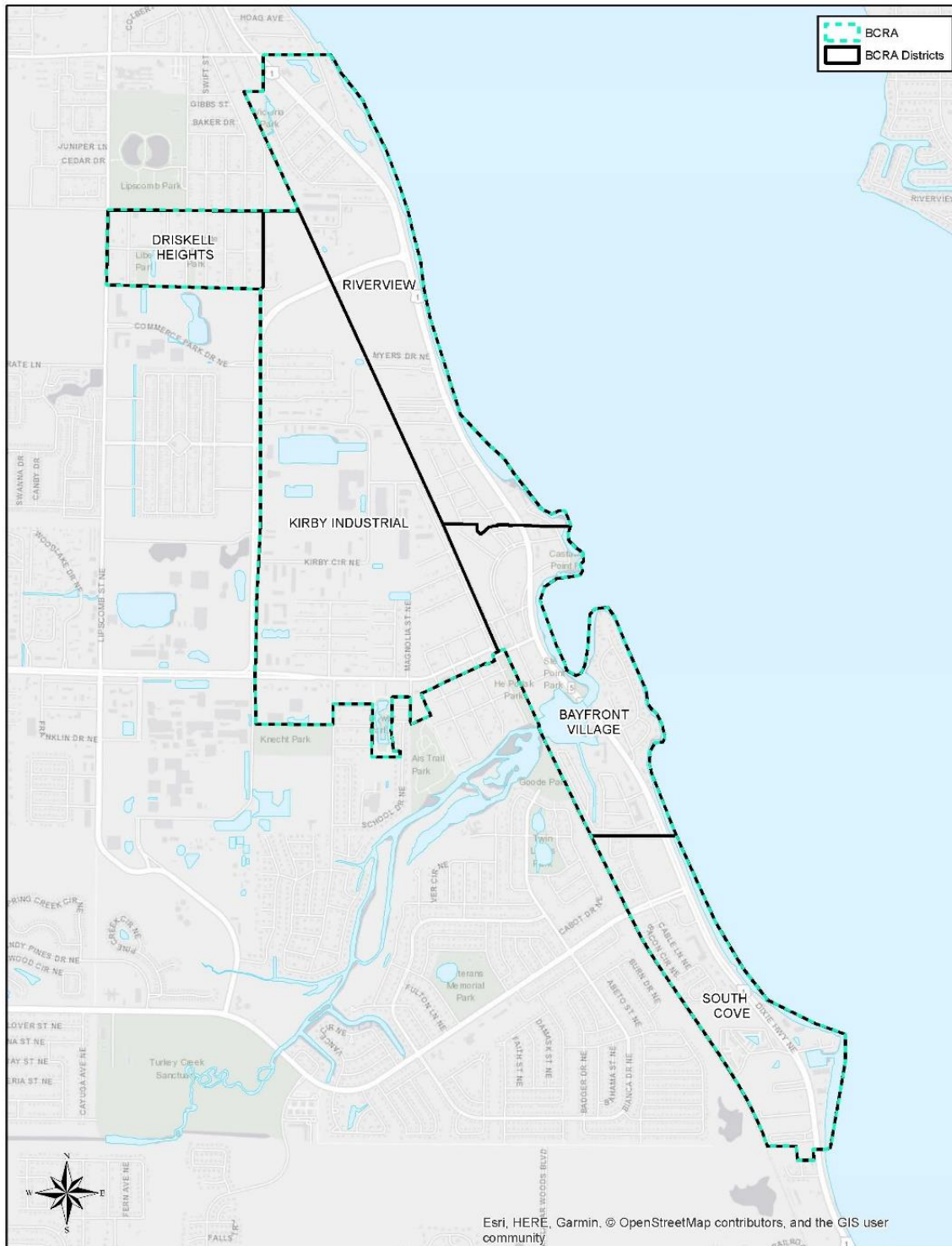
Aaron Parr, Commissioner At-Large

Peter Filiberto, Commissioner At-Large

III. Boundary Lines

The Bayfront Community Redevelopment District is a four-mile section of US Highway 1, bound by the city limits of the City of Melbourne on the north and the Town of Malabar on the south. The Indian River Lagoon makes up the eastern boundary and the western boundary runs south from the US Highway 1 and University Boulevard intersection for approximately 500 feet, then west to the Florida East Coast (FEC) Railroad; south along the railroad about 2,200 feet; west along the city limits at Florida Avenue to Lipscomb St.; south on Lipscomb St. to Doreatha Fields Ave. (also known as Pacific Ave.); east on Doreatha Fields Ave. to Northview St.; south on Northview St. to R. J. Conlan Blvd.; south on R. J. Conlan Blvd. to Palm Bay Road; east on Palm Bay Road including those parcels

abutting the south side of Palm Bay Road to the FEC Railroad; and south on the FEC Railroad to the Malabar town limits.



IV. History

a. Creation Date

In 1994, the Bayfront Community Redevelopment District was determined to be an area of slum and blight, and in 1999 the Bayfront Community Redevelopment District 2024 Plan was adopted by the City of Palm Bay. The Bayfront Community Redevelopment Agency will sunset 25 years from the date of establishment on May 4, 2024.

b. Plan Amendment Dates

The Bayfront CRA did not conduct a Plan Amendment; however, in October 2009, the CRA commissioned MSCW, Inc. to observe and document the conditions of slum and blight. These findings have been reported in the Plan under Appendix A Field Inventory and Analysis.

c. Applicable Resolution(s) and Ordinances

The City created the Agency pursuant to City Resolution 99-20 and approved its Community Redevelopment Plan after the County delegated its authority under Chapter 163, Part III, Florida Statutes, as set forth in County Resolution 99-11. The City created a tax increment redevelopment trust fund (Agency tax increment fund) pursuant to section 163.387, Florida Statutes under City Ordinance 99-19.

On October 8, 2019, the Brevard County Board of County Commissioners adopted Resolution 2019-198 modifying the delegation of the powers of the City of Palm Bay, revoking the City's authorization to issue bonds, pledge funds, incur debt, obtain loans, and limiting all other financial activities of the Bayfront CRA.

V. Projects Overview

Northshore Development's Aqua Project

In 2016, the Bayfront CRA launched a small marketing initiative to promote waterfront redevelopment as part of a published "Expression of Interest." This effort included a video and magazine advertisement that was produced internally for use in communicating the big-picture opportunity to a national audience. One of the successes culminating from that campaign was attracting the attention of an investment group, Northshore Development.

The Bayfront CRA succeeding in its efforts to attract the development of a new multi-family development project, to include commercial frontage along Robert J. Conlan

Boulevard. At a regularly scheduled meeting of the Bayfront CRA Board held on August 30, 2018, the CRA Board approved a Redevelopment Incentive Agreement for Northshore Development providing for a 90 percent rebate for five years on the assessed value of the new ad valorem tax generated from the project upon completion. The Aqua development project is expected to yield approximately \$52.9 million in private capital investment, which includes a 320-unit luxury apartment complex (Phase I) and over 40,000 square feet in commercial space providing for office, retail, restaurant, bar, and event venue (Phase II).

In November 2020, just after the close of FY 2020, Northshore Development, LLC received their Certificate of Completion for Phase I of the project. Construction of Phase II commercial is anticipated to be complete before the end of the 2021 calendar year.

VI. Financial Reports

a. Balance Sheet

See Attachment A – Financial Section (Unaudited)

b. Statement of Revenues, Expenditures & Changes in Fund Balances

See Attachment A – Financial Section (Unaudited)

c. Summary of Projects, Grants & Debt

See Attachment A – Financial Section (Unaudited)

VII. Performance Information

a. Total Projects started, completed and estimate cost for each project:

Brevard County Resolution 2019-198 prohibits the Bayfront CRA from undertaking any new projects that would commit Agency funds. There were no new projects in FY 2020.

b. Number of jobs created and sector of the economy from which these jobs were created within the CRA

The Aqua Apartments at Palm Bay, Phase I of Northshore Development, LLC's mixed-use development project, generated eight (8) full-time jobs and over 50 part-time indirect jobs, not including jobs related to construction.

c. Number of jobs retained within the CRA

There were no jobs retained as a direct result of the projects and activities of the Bayfront CRA.

d. Assessed Property Values

When the CRA was enacted in 1998, the base property assessed value was \$100,372,760.00. The 2020 assessed property values was \$223,965,788.

e. Affordable Housing

No CRA funds have been expended for affordable housing projects in FY 2020.

ATTACHMENT “A”
Fiscal Year 2020 Financial Reports (*unaudited*)

**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES – BUDGET
AND ACTUAL – BAYFRONT COMMUNITY REDEVELOPMENT AGENCY**

For Fiscal Year Ended September 30, 2020 (unaudited)

REVENUES	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
Taxes	\$ 1,403,970	\$ 1,403,970	\$ -
Investment Income	6,400	8,923	2,523
Miscellaneous Revenue	-	2,280	2,280
Total Revenues	\$ 1,410,370	\$ 1,415,173	\$ 4,803

EXPENDITURES	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
Current:			
Economic Environment	\$471,090	\$ 344,605	\$ 126,485
Capital Outlay	413,950	7,205	406,745
Debt Service: Principal Retirement	393,391	390,000	3,391
Interest and Fiscal Charges	39,144	39,474	(303)
Total Expenditures	1,317,575	781,284	536,291
Excess (Deficiency) of Revenues Over (Under) Expenditures	92,795	633,889	541,094

OTHER FINANCING SOURCES	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
Transfers In	\$ 1,016	\$ 1,016	\$ -

OTHER FINANCING SOURCES	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
Transfers Out	(566,525)	(566,525)	-
Total Other Financing Sources	(565,509)	(565,509)	-
Net Change in Fund Balance	\$ (472,714)	\$ 68,380	\$ 541,094
Fund Balance - Beginning	-	836,710	-
Fund Balance - Ending	-	\$ 905,090	-

City of Palm Bay, Florida

Financial Section

BALANCE SHEET – GOVERNMENTAL FUNDS
September 30, 2020 (unaudited)

ASSETS	General	Bayfront Community Redevelopment Agency Fund	BCRA Construction Fund	GO Road Program Fund	Nonmajor Governmental Funds	Total Governmental Funds
Cash and Cash Equivalents	\$ 8,493,601	\$ 62,391	\$ -	\$ -	\$ 12,598,577	\$ 21,154,569
Investments	14,838,530	842,699	-	41,354,961	15,309,236	72,345,426
Restricted Cash and Equivalents	-	-	-	-	181,419	181,419
Accounts Receivable	2,957,816	-	-	-	67,468	3,025,284
Due from Other Governments	2,693,993	-	-	-	866,087	3,560,080
Due from Other Funds	508,865	-	-	-	184,242	693,107
Land Held for Resale	-	-	-	-	4,000	4,000
Prepaid Items	78,108	-	-	-	2,772	80,880
Inventory	3,395	-	-	-	-	3,395
Total Assets	\$ 29,574,308	\$ 905,090	\$ -	\$ 41,354,961	\$ 29,213,801	\$ 101,048,160

LIABILITIES AND FUND BALANCES Liabilities:	General	Bayfront Community Redevelopment Agency Fund	BCRA Construction Fund	GO Road Program Fund	Nonmajor Governmental Funds	Total Governmental Funds
Accounts Payable	\$ 2,139,421	\$ -	\$ -	\$ 12,278,213	\$ 2,828,051	\$ 17,245,685
Accrued Liabilities	1,750,247	-	-	-	4,631	1,754,878
Due to Other Funds	-	-	-	-	626,460	626,460
Unearned Revenue	499,971	-	-	-	1,002,396	1,502,367
Advances from Other Funds	127,171	-	-	66,648	523,802	717,621
Due to Other Governments	-	-	-	-	52,537	52,537
Total Liabilities	\$ 3,720,127	\$ 3,727	\$-	\$ 2,633	\$ 5,103,290	\$ 8,829,777

LIABILITIES AND FUND BALANCES Fund Balances:	General	Bayfront Community Redevelopment Agency Fund	BCRA Construction Fund	GO Road Program Fund	Nonmajor Governmental Funds	Total Governmental Funds
Nonspendable	\$ 81,503	\$ -	\$ -	\$ -	\$ -	\$ 81,503
Restricted	800,000	905,090	-	29,010,100	20,542,841	51,258,031
Committed	2,793,774	-	-	-	3,093,642	5,887,416
Assigned	342,874	-	-	-	1,434,447	1,777,321
Unassigned (Deficit)	21,039,347	-	-	-	(895,006)	20,144,341
Total Fund Balances	\$ 25,057,498	\$ 905,090	\$ -	\$ 29,010,100	\$ 24,175,924	\$ 79,148,612
Total Liabilities, Deferred Inflows of Resources and Fund Balances	\$ 29,574,308	\$ 905,090	\$ -	\$ 41,354,961	\$ 29,213,801	\$ 101,048,160

The notes to the financial statements are an integral part of the financial statements.

**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUNDS**

For Fiscal Year Ended September 30, 2020 (unaudited)

REVENUES	General	Bayfront Community Redevelopment Agency Fund	BCRA Construction Fund	GO Road Program Fund	Nonmajor Governmental Funds	Total Governmental Funds
Taxes	\$ 49,914,407	\$1,403,970	\$ -	\$ -	\$ -	\$ 51,318,377
Impact Fees	-	-	-	-	7,880,081	7,880,081
Licenses and Permits	5,747,984	-	-	-	-	5,747,984
Intergovernmental Revenues	12,127,081	-	-	-	1,870,911	13,997,992
Charges for Services	4,533,860	-	-	-	409,460	4,943,320
Fines and Forfeitures	399,765	-	-	-	109,766	509,531
Investment Income	579,656	8,923	-	597,884	212,456	1,398,919
Miscellaneous Revenues	312,564	2,280	-	-	171,396	486,240
Total Revenues	\$ 73,615,317	\$1,415,173	\$ -	\$ 597,884	\$ 10,654,070	\$ 86,282,444

EXPENDITURES	General	Bayfront Community Redevelopment Agency Fund	BCRA Construction Fund	GO Road Program Fund	Nonmajor Governmental Funds	Total Governmental Funds
Current:						
General Government	\$ 17,684,354	\$ -	\$ -	\$ -	\$ 1,028	\$ 17,685,382
Public Safety	36,280,057	-	-	-	173,173	36,453,230
Transportation	5,569,180	-	-	2,334	38,912	5,610,426
Economic Environment	-	344,605	-	-	1,066,141	1,410,746

EXPENDITURES Current:	General	Bayfront Community Redevelopment Agency Fund	BCRA Construction Fund	GO Road Program Fund	Nonmajor Governmental Funds	Total Governmental Funds
Culture/Recreation	4,770,432	-	-	-	1,043	4,771,475
Debt Service: Principal Retirement	-	390,000	-	-	5,255,088	5,645,088
Interest and Fiscal Charges	-	39,474	-	-	5,657,641	5,697,115
Capital Outlay	-	7,205	-	-	5,420,736	5,427,941
Total Expenditures	\$ 64,304,023	\$ 781,284	\$ -	\$ 2,334	\$ 17,613,762	\$ 82,701,403
Excess (Deficiency) of Revenues Over Expenditures	9,311,294	633,889	-	595,550	(6,959,692)	3,581,041

OTHER FINANCING SOURCES (USES)	General	Bayfront Community Redevelopment Agency Fund	BCRA Construction Fund	GO Road Program Fund	Nonmajor Governmental Funds	Total Governmental Funds
Transfers In	\$ 4,514,095	\$ 1,016	\$ -	\$ -	\$ 9,694,837	\$ 14,209,948
Transfers Out	(10,440,534)	(566,525)	-	-	(2,939,748)	(13,946,807)
Proceeds from Sale of Capital Assets	134,185	-	-	-	-	134,185
Capital Leases	1,939,884	-	-	-	-	1,939,884
Issuance of Debt	-	-	-	-	4,479,235	4,479,235
Payment to Refunded Bond Escrow	-	-	-	-	(56,318,053)	(56,318,053)
Total Other Financing Sources and Uses	(3,852,370)	(565,509)	-	-	(45,083,729)	(49,501,608)
Net Change in Fund Balances	5,458,924	68,380	-	595,550	(52,043,421)	(45,920,567)
Fund Balances - Beginning	19,098,786	836,710	-	-	23,773,777	44,683,303
Fund Balances - Ending	\$ 24,557,710	\$ 905,090	\$ -	\$ 595,550	\$ (28,269,644)	\$ (1,237,564)

The notes to the financial statements are an integral part of the financial statements.

NOTE 8 – Long Term Debt
For Fiscal Year Ended September 30, 2020 (unaudited)

Governmental Activities	Purpose of Issue	Amount Issued	Amount Outstanding	Remaining Interest Rates (Percent)	Annual Maturity To
Bayfront Community Redevelopment Agency Note, Series 2006	Financing of redevelopment activities of the BCRA	\$ 6,000,000	\$ 752,000	4.100	2022
Local Option Gas Tax Refunding Revenue Note, Series 2014	Refunding of the Local Option Gas Tax Revenue Bonds, Series 2004	3,885,000	624,000	1.290	2021
Franchise Fee Revenue Note Series 2015	Financing of I-95 exchange project	4,744,000	2,964,000	2.100	2026
Franchise Fee Revenue Note, Series 2016	Partial Refunding of the Special Obligations Bonds, Series 2004	3,983,000	3,583,000	4.070	2031
Local Option Gas Tax Note, Series 2018	Financing I-95 connector road project	9,000,000	8,320,000	2.710	2033
Total Governmental Activities			\$ 16,243,000		

Business-type Activities	Purpose of Issue	Amount Issued	Amount Outstanding	Remaining Interest Rates (Percent)	Annual Maturity To
Utility System Refunding Revenue Note, Series 2014	Refunding of Utility Revenue Bonds Series 2002, 2003 and 2004	28,800,000	\$ 7,345,000	2.060	2022
Utility System Refunding Revenue Note, Series 2016	Refunding of Utility Revenue Bonds Series 2005B	13,190,000	8,455,000	2.200	2024
Special Assessment Revenue Refunding Note, Series 2016	Refunding of Special Assessment Note, Series 2009	2,060,000	1,007,000	2.420	2024

Business-type Activities	Purpose of Issue	Amount Issued	Amount Outstanding	Remaining Interest Rates (Percent)	Annual Maturity To
Total Business-type Activities			\$ 16,807,000		

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**INTERLOCAL AGREEMENT
BETWEEN CITY OF PALM BAY,
BAYFRONT COMMUNITY REDEVELOPMENT AGENCY, AND
BREVARD COUNTY, FLORIDA**

THIS INTERLOCAL AGREEMENT entered into the 8th day of October, 2019, by and between the following Parties: the CITY OF PALM BAY, a Florida municipal corporation, (hereinafter "the CITY"), the BAYFRONT COMMUNITY REDEVELOPMENT AGENCY, (hereinafter "the Agency") a dependent Special District of the State of Florida, and BREVARD COUNTY, a political subdivision of the State of Florida, in its own name and in behalf of each County Taxing Authority, as defined in Section 2b., below), 2725 Judge Fran Jamieson Way, Viera, Florida 32940 (hereinafter collectively called "the COUNTY").

WITNESSETH:

WHEREAS, the CITY created the AGENCY pursuant to CITY Resolution 99-20 and approved its Community Redevelopment Plan after the COUNTY delegated its authority under Chapter 163, Part III, Florida Statutes, as set forth in COUNTY Resolution 99-11; and

WHEREAS, the CITY created a tax increment redevelopment trust fund (AGENCY tax increment fund) pursuant to section 163.387, Florida Statutes under CITY Ordinance 99-19; and

WHEREAS, the CITY and COUNTY have continuously paid their respective full AGENCY tax increment fund payments required by section 163.387(1), Florida Statutes, to the AGENCY since the first fiscal year of the AGENCY's operation; and

WHEREAS, the COUNTY is facing certain budget issues relating to road maintenance, construction and reconstruction due to county charter restrictions on ad valorem tax revenues and other factors; and

WHEREAS, the COUNTY has asked the CITY and the AGENCY to cooperate in a potential solution to the County budget concerns by negotiating an Interlocal agreement in order to work toward assisting with the COUNTY's goal of enhancing activities towards road maintenance, construction and reconstruction.

NOW, THEREFORE, the Parties mutually agree as follows:

1. **RECITATIONS.** The foregoing recitations are true and correct and by this reference incorporated herein.

2. **DEFINITIONS.** The terms below shall have the indicated meanings.

a. "Increment" or "Tax Increment" shall have the same meaning as "increment" as set forth in section 163.387(1)(a), Florida Statutes.

b. "County Taxing Authority" means Brevard County, through its Board of County Commissioners and any County established Municipal Services Taxing Unit (MSTU) or dependent special districts in behalf of which the County levies taxes or approves a budget to the extent such MSTU or dependent special district is required to contribute a tax increment to the Agency tax increment fund established by the City for the AGENCY in accordance with the requirements of section 163.387, Florida Statutes.

3. **AUTHORITY.** This agreement is being entered into under the authority vested in the parties by section 163.387(3)(b), Florida Statutes and, pursuant to that authority, supersedes any provision or requirement set forth in section 163.387, Florida Statutes to the extent of any conflict with this agreement and that statutory provision.

4. **EXPIRATION OF AGENCY.** The AGENCY shall expire on May 4, 2024. The parties agree that the AGENCY, the CITY and COUNTY shall take such actions as may be required to terminate the AGENCY on the date of expiration, which actions shall include the amendment or repeal of any CITY or COUNTY resolutions or ordinances which delegated authority to the CITY to create an AGENCY and associated Trust Fund.

5. **TAX INCREMENT FUND CONTRIBUTIONS.** In accordance with section 163.387(3)(b), Florida Statutes, notwithstanding any provision in section 163.387, Florida Statutes to the contrary, after May 4, 2024, the COUNTY shall no longer be required to contribute a tax increment of any amount to the AGENCY tax increment fund.

6. **INDEBTEDNESS, AUTHORIZED EXPENDITURES, AND DISPOSITION OF ASSETS.**

- a) The Parties agree that the AGENCY will not incur any new indebtedness pledging COUNTY tax increment funds as a source of repayment after the execution of this Agreement. The CITY agrees to assume, and to be fully liable for any indebtedness owed by the AGENCY after the AGENCY termination date, as provided in section 189.076(2), Florida Statutes.
- b) The Parties agree that the AGENCY may expend no more than \$330,218 on land acquisition for those properties identified in Exhibit "B"
 - i. Should the AGENCY acquire any of the properties listed in Exhibit "B," and if such properties are not disposed of prior to the expiration of the AGENCY, the PARTIES agree that any proceeds from a sale or other disposition of the property shall be allocated between the CITY and COUNTY according to the proportionality of the Tax Increment Fund Contributions for the Fiscal Year in which the land acquisition takes place.
- c) The Parties agree that the AGENCY shall cease all other expenditures, except those for which there is a contractual obligation or are otherwise required by law. This includes, but is not limited to, Operating Expenses, Personnel Services, and Capital Outlay.
- d) The Parties agree that any unspent tax increment funding revenue will be

distributed at the end of each fiscal year back to the County and City, based upon the percentage of contributions by the CITY and COUNTY.

- e) The Parties intent is that at the end of Fiscal Year 2020, the AGENCY's only remaining obligations will be repayment of the 2006 Bond, the contractual obligations in the Northshore Development Agreement, and any other expenditures required by Statute or the Special Districts Office of the Florida Department of Economic Opportunity.
- f) The Parties agree that the AGENCY shall not make any amendments to existing agreements without County approval.

7. **ANNUAL AUDIT; REPORT; AND MEETING.** Each year, the AGENCY shall prepare and submit to the COUNTY a report in the form set forth in Exhibit A, attached and incorporated by this reference. The AGENCY shall prepare and submit to the COUNTY an annual report of the AGENCY to include audited financial statements to the COUNTY, as required by section 163.387(8), Florida Statutes. The CITY and AGENCY agree to contractually require an independent auditor preparing the audit report to examine AGENCY expenditures and certify that all AGENCY tax increment fund revenues have been lawfully expended solely in compliance with and for community redevelopment purposes authorized by law, under the provisions of Chapter 163, Part III, Florida Statutes. The City Manager of the CITY or Chairperson of the Agency governing body shall annually meet with the County Commissioner in whose District the Agency is located to discuss the annual and audit reports. The CITY, AGENCY and COUNTY agree that, in accordance with its authority under section 125.01(x), Florida Statutes, at any time during the remaining term of this agreement the COUNTY shall have the right to require the AGENCY to retain an independent auditor to conduct a performance audit paid for by the COUNTY. At the discretion of the COUNTY, any performance audit of the AGENCY required by the COUNTY may include any or all of the matters specified in the definition of "performance audit" set forth in section 11.45(1)(j), Florida Statutes.

8. **LIMITATION ON ADMINISTRATIVE EXPENSES.** No provision of the Agreement shall be construed or interpreted as limiting or prohibiting the CITY from annually providing administrative services to the AGENCY, which are necessary the implementation of the AGENCY Community Redevelopment Plan adopted by the CITY and AGENCY. Additionally, each fiscal year, the AGENCY shall be permitted to reimburse the CITY for such annual administrative services. However, said reimbursement, payable from COUNTY tax increment fund payments shall not exceed \$20,000 in Fiscal Year 2020. Following fiscal year 2020, the CITY and AGENCY agree to further limit said reimbursement, other than as required by Statute or the Special Districts Office of the Florida Department of Economic Opportunity, to zero (0) dollars.

9. **EFFECT OF AGREEMENT.** This agreement, including the exhibits and all documents and papers delivered pursuant hereto, and any written amendments hereto executed by the Parties to this agreement constitute the entire agreement between the Parties and supersedes all prior agreements and understandings, oral or written, to the extent that they are in conflict with this Agreement. This agreement may be amended only by written

agreement approved and executed with the same formalities as this Agreement by all Parties. Nothing in this Agreement shall be interpreted as modifying the authority of the Board of County Commissioners as outlined in Section 3(b) of Resolution 99-111.

10. ATTORNEY'S FEES. In the event any litigation arises out of this Agreement or under this Agreement, each party shall bear its own attorney's fees and costs.

11. NOTICES. All notices, requests, demands and other communications which are required or may be given under this agreement shall be in writing and, in the case of notice to the City or County Manager, by email. Notice shall be deemed to have been duly given if emailed and by personal delivery or deposit of the same in first class mail, postage prepaid by certified mail:

AS TO CITY:
CITY OF PALM BAY
City Manager
120 Malabar Road SE
Palm Bay, FL 32907

AS TO AGENCY:
Bayfront Community
Redevelopment Agency
Agency Administrator
120 Malabar Road SE
Palm Bay, FL 32907

AS TO COUNTY:
County Manager
2725 Judge Fran Jamieson Way
Melbourne FL 32940
email address:
Frank.Abbate@brevardfl.gov

or to such other addresses such by notice in writing to any other Parties.

12. GOVERNING LAW. The validity, construction and enforcement of and the remedies under this agreement shall be governed in accordance with the laws of the State of Florida, and venue of any proceeding shall be Brevard County, Florida.

13. SAVINGS CLAUSE. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

14. EFFECTIVE DATE. This Agreement shall take effect on the date that it is executed by all Parties and recorded in the Official Records of Brevard County, Florida. Upon execution of this Agreement by both Parties, the COUNTY shall promptly record this Agreement in the Official Records of Brevard County, Florida, and return a recorded copy of this Agreement to the CITY's City Manager at the address listed in the Notice Section of this Agreement.

IN WITNESS WHEREOF, the Parties have caused this agreement to be signed on this the first date first above written.

CITY OF PALM BAY

By: William Capote
William Capote, Mayor
Date: 12-10-19

BAYFRONT COMMUNITY REDEVELOPMENT
AGENCY

By: William Capote
William Capote, Chairman
Date: 12-10-19

ATTEST:

Terese Jones
Terese Jones, City Clerk



BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

By: Kristine Isnardi
Kristine Isnardi, Chair
(as approved by the Board on
Oct. 8, 2019)

ATTEST:

Scott Ellis
Scott Ellis, Clerk



Community Redevelopment Agency Annual Report Template

- I. INTRODUCTION, MISSION AND OVERVIEW:
- II. BOARD MEMBERS AND STAFF:
- III. BOUNDARY LINES:
- IV. HISTORY
 - a. Creation Date:
 - b. Plan Amendment Dates:
 - c. Applicable Resolution(s) and Ordinances:
- V. PROJECTS OVERVIEW
- VI. Financial Reports
 - a. Balance Sheet
 - b. Statement of Revenues, Expenditures & Changes in Fund Balances
 - c. Summary of Projects, Grants and Debt
- VII. Performance Information
 - a. Total projects started, completed and estimate cost for each project
 - b. Number of jobs create and sector of the economy from which these jobs
were created within the CRA

Community Redevelopment Agency Annual Report Template

- c. Number of jobs retained within the CRA
- d. Assessed property values when CRA was enacted vs. current assessed property values
- e. Total amount expended for affordable housing

VIII. Additional Annual Reporting Requirements

- a. Provide the Board of County Commissioners the CRA's proposed budget for the upcoming fiscal year, 60 days prior to the beginning of the fiscal year
 - b. Provide the Board of County Commissioners any budget amendments to its operating budget within 10 days after the adoption by the CRA
-

Exhibit B

AUTHORIZED LAND ACQUISITIONS

- 1) Parcel ID 28-37-24-27-5-3: 1526 Water Dr NE Palm Bay FL 32905
- 2) Parcel ID 28-37-24-27-5-1: 1506 Water Dr NE Palm Bay FL 32905
- 3) Parcel ID: 28-37-24-25-2-1: No Address Assigned
- 4) Parcel ID: 28-37-24-25-2-7: 2949 Bay Blvd NE Palm Bay FL 32905
- 5) Parcel ID: 28-37-24-25-2-33: 2930 Kirkland Rd NE Palm Bay FL 32905
- 6) Parcel ID: 28-37-24-25-*-K: Address Not Assigned
- 7) Parcel ID: 28-37-13-52-A-1: 3105 Bay Blvd NE Palm Bay FL 32905



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Joan Junkala-Brown, Community & Economic Development Director

DATE: 3/18/2021

RE: Consideration of a Strategic Alliance Memorandum with the U.S. Small Business Administration in order to strengthen and expand small business development in the local area.

The United States Small Business Administration (SBA) and the City of Palm Bay share a common mission to facilitate new and retain and grow small businesses. The mission of the City includes a focus on growing a diverse local business community and creating job opportunities for citizens. The City seeks to accomplish this effort by connecting businesses with resources such as those offered by the SBA. The mission of the SBA is to aid, counsel, assist and protect the interests of small business by providing financial, contractual and business development assistance and advocating on their behalf within the government. The City has an established relationship with SBA's local district office. The SBA district office deliver SBA programs and services to the public.

The attached Strategic Alliance Memorandum between the City and SBA outlines the roles of each party to provide services and resources which, when delivered in coordination with each other, will provide maximum benefits to the small business communities served. The purpose of this Strategic Alliance Memorandum is to develop and foster mutual understanding and a working relationship between the SBA and City of Palm Bay in order to strengthen and expand small business development in the local area.

REQUESTING DEPARTMENT:
Community & Economic Development

FISCAL IMPACT:
There is no fiscal impact.

RECOMMENDATION:
Motion to authorize the City Manager to execute the Strategic Alliance Memorandum between the City and the U.S. Small Business Administration.

ATTACHMENTS:

Description

Strategic Alliance Memorandum



Strategic Alliance Memorandum

between the

United States Small Business Administration

and the

The City of Palm Bay

I. PURPOSE

The United States Small Business Administration (SBA) and the **City of Palm Bay** (each a “Party” or, collectively the “Parties”) are joined by a common mission; **helping start, maintain, and expand small businesses**. The Parties will work together in the spirit of cooperation and open communications, consistent with law, with the primary goal of meeting the needs of the small business community.

The mission of the City of Palm Bay includes a strong focus on growing diverse business and job opportunities for our citizens. One of our target areas is economic gardening where we help small businesses grow and prosper by connecting them with resources such as those offered by the SBA.

The mission of the SBA is to aid, counsel, assist and protect the interests of small business by providing financial, contractual and business development assistance and advocating on their behalf within the government. SBA district offices deliver SBA programs and services to the public. Each Party has separate services and resources which, when delivered in coordination with each other, will provide maximum benefits to the small business communities served.

The purpose of this Strategic Alliance Memorandum (SAM) is to develop and foster mutual understanding and a working relationship between the SBA and **City of Palm Bay** in order to strengthen and expand small business development in the local area.

The Parties acknowledge that beyond the information sharing contemplated under this SAM, any specific joint training and outreach activities will require a separate signed agreement developed pursuant to SBA’s Cosponsorship Authority.

In order to further their common goals, the Parties agree to the following:

II. SCOPE AND RESPONSIBILITIES

SBA Undertakings:

Within the limits of its available and/or appropriated resources, the SBA through its **South Florida** District Office will:

- Provide **City of Palm Bay** with up-to-date information about SBA's programs and services.
- Make available, upon request, information regarding SBA's resource partners, including but not limited to, the Small Business Development Centers (SBDCs), SCORE, and the Women's Business Centers (WBCs) (collectively, "SBA's Resource Partners").
- Make available, upon request and subject to their availability, SBA pamphlets, brochures, and other publications.
- Advise **City of Palm Bay** of events that may impact its mission.
- Provide speakers, consistent with SBA rules and policy, to participate in **City of Palm Bay** workshops, conferences, seminars and other activities to discuss SBA financing, government contracting and other business topics.
- Invite **City of Palm Bay** clients/members to attend local SBA-sponsored events and offer SBA-sponsored training at **City of Palm Bay's** location when appropriate.
- Provide a text-only hyperlink from SBA's website to **City of Palm Bay's** website pursuant to SBA's linking policies.
- Provide information to **City of Palm Bay's** staff on SBA programs and services available to local small businesses.
- Assign a local point of contact to serve as liaison between SBA and **City of Palm Bay**.

City of Palm Bay Undertakings:

Within the limits of its available resources, the **City of Palm Bay** will:

- Cooperate with SBA's Resource Partners to provide information to its clients/members about business development services to small businesses when appropriate.
- Keep abreast of and disseminate up-to-date information provided by SBA when appropriate.
- Make available to its clients/members SBA pamphlets, brochures, and other publications.
- Inform **City of Palm Bay** small business clients/members of SBA's programs and services including referrals to SBA's Resource Partners when appropriate.

- Upon request, provide speakers for SBA-sponsored events when appropriate.
- Provide a text-only hyperlink from **City of Palm Bay's** website to SBA's website.
- Assign a local point of contact to serve as liaison between **City of Palm Bay** and SBA.

III. USE OF SBA NAME AND LOGO

All materials bearing the SBA name or logo must be approved in advance by SBA's Responsible Program Official. Use of SBA's logo must be accompanied by the following statement: "Use of the SBA logo is authorized by a Strategic Alliance Memorandum. Reference to SBA is not an endorsement of the views, opinions, products or services of any person or entity." The SBA logo may only be used to promote SBA and/or its programs, activities, and services. SBA's logo cannot be used in a way that suggests the Agency is endorsing any individual, organization, product, or service or in a way which implies that an improper relationship exists between SBA and an outside party. SBA's logo also must not be used in any manner that is liable to bring the Agency into a negative light, such as in connection with any products or services related to alcohol, gambling or adult entertainment industries. Further, SBA's logo must not be used in connection with any political activities, lobbying efforts, or in conjunction with any religious activity.

The "U.S. Small Business Administration" name shall be used only in a factual manner, consistent with applicable law, and shall not promote or endorse any products or services of any entity including but not limited to **City of Palm Bay**. Nothing in this SAM permits **City of Palm Bay** to use the SBA official seal.

IV. TERM

Cooperation under this SAM will commence upon signing by both Parties and will continue for a period of two years from date of signature unless otherwise terminated by one or both Parties as per paragraph VI below.

V. AMENDMENT

The Parties agree to consult each other on any amendment, modification or clarification to the provisions of this SAM. This SAM may only be amended or modified in writing and shall be consistent with applicable laws, regulations and SBA policy.

VI. TERMINATION

Either Party may discontinue its participation under this SAM at any time, with or without cause, upon thirty (30) days written notice to the other Party.

VII. RELATIONSHIP

This SAM does not authorize the expenditure of any funds. Accordingly, this SAM shall not be interpreted as creating any binding legal obligations between the Parties nor shall it limit either Party from participating in similar activities or arrangements with other entities. Nothing contained herein shall be construed to create any association, partnership, joint venture or relation of principal or agent or employer and employee with respect to **City of Palm Bay** and SBA.

VIII. RESPONSIBLE PROGRAM OFFICIAL

The SBA Responsible Program Official for this Strategic Alliance Memorandum is **Jonel Hein**.

IX. POINTS OF CONTACT

The points of contact for administrative matters pertaining to this SAM are:

City of Palm Bay:

Name: Joan Junkala-Brown
Title: Director, Community & Economic Development
Address: 120 Malabar Road, Palm Bay, FL 32907
Email: joan.junkala@palmbayflorida.org

U.S. Small Business Administration:

Name: Vincent. J. LoPresti
Title: Senior Area Manager
Address: 505 South 2nd Street., Suite 225, Ft Pierce. FL 34950
Email: Vincent.lopresti@sba.gov

X. SIGNATURES

The signatories below represent that they have the authority to make such commitments on behalf of their respective organization. This SAM may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

U.S. Small Business Administration:

Stephen Morris, Director of Strategic Alliances

Date

Note: District Directors may also co-sign.

Victoria Guerrero, District Director
South Florida District Office

Date

The City of Palm Bay:

Suzanne Sherman, City Manager

Date



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Nelson Moya, Chief of Police

DATE: 3/18/2021

RE: Consideration of a grant application for the Victims of Crime Act through the Office of the Attorney General.

On January 4, 2021, the Office of the Attorney General for the State of Florida opened the application process for the Victims of Crime Act (VOCA) funding from the U.S. Department of Justice. The purpose of the VOCA grant is to support the availability of services to victims of crimes through a reimbursement grant program. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after victimization, assist victims to understand and participate in the criminal justice system, and provide victims of crime with a measure of safety and security. Eligibility to apply for VOCA funds is limited to victim assistance programs administered by state or local government agencies or not-for-profit corporations registered in Florida. For over 20 years, the Palm Bay Police Department has been a recipient of VOCA funding for the Victim Service Unit.

The funding cycle for this VOCA grant funding is October 1, 2021 through September 30, 2022. The Palm Bay Police Department is seeking authorization to submit an application for grant funding in the amount of \$65,259.65 to cover salaries, taxes, and retirement costs for two Victim Advocates (one position covered at 75 percent by the VOCA grant funds and one position covered at 50 percent by the VOCA grant funds) for the City's Fiscal Year 2022. This request also includes \$1,500 in training expenses for the Victim Services Practitioner certification for one advocate. The City anticipates notification of grant award in August 2021.

REQUESTING DEPARTMENT:

Police Department

FISCAL IMPACT:

The fiscal impact includes a potential revenue of \$65,259.65 in General Fund Account #001-0000-331-2005 for partial reimbursement of annually budgeted salaries (001-5025-521-1210), taxes (001-5025-521-2110), retirement (001-5025-521-2210), and training/travel (001-5025-521-5501 and 001-5025-521-4001). The City will be required to expend the funds and seek reimbursement from the grant.

RECOMMENDATION:

Motion to authorize the City to submit a grant application for the 2021-2022 Victims of Crime Act.

ATTACHMENTS:

Description

Palm Bay Police Dept FY22 VOCA Application D-00264

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Applicant Information

Provide the legal name of the Applicant Agency. If awarded funding, this information will be used for contract purposes.

City of Palm Bay Police Department

Federal Data Universal Numbering System (DUNS) Number: 060236262

Federal Employee Identification Number (FEIN): 596018984

Registered with the System of Award Management (formally CCR)? Yes

Agency Director: Prefix (Mr., Ms., Dr., etc.) Mr. Title: Police Chief

Name: Nelson Moya

Telephone #: (321) 952-3458 Fax #: (321) 953-8910

Mailing Address: Palm Bay Police Department
(Street, P.O. Box, 130 Malabar Rd SE
etc.)

City: Palm Bay State: Florida

Zip Code: 32907-3009

Email Address: Nelson.Moya@palmbayflorida.org

Performance Report Contact: Prefix (Mr., Ms., Dr., etc.) Mrs. Title: Project Specialist

Name: Jessica Hinchman

Telephone #: (321) 953-8954 Fax #: (321) 953-8910

Mailing Address: Palm Bay Police Department
(Street, P.O. Box, 130 Malabar Rd SE
etc.)

City: Palm Bay State: Florida

Zip Code: 32907-3009

Email Address: Jessica.Hinchman@palmbayflorida.org

Financial Contact: Prefix (Mr., Ms., Dr., etc.) Mrs. Title: Finance Director

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Applicant Information

Name: Yvonne McDonald

Telephone #: (321) 952-3418 Fax #: (321) 952-3401

Mailing Address: City of Palm Bay
(Street, P.O. Box, 120 Malabar Rd SE
etc.)

City: Palm Bay State: Florida

Zip Code: 32907-3009

Email Address: Yvonne.McDonald@palmbayflorida.org

I acknowledge that I have read, understand, and agree to the conditions set forth in the Victims of Crime Act (VOCA) Grant Application, Instructions and the VOCA Rules for the duration of the grant period. I certify that the information contained in this application is true, complete and correct.

I acknowledge that the applicant agency, if awarded a VOCA grant, will comply with Federal Rules Regulating Grants and State Criteria. Subrecipients must comply with the applicable provisions of VOCA, the VOCA Rules, the requirements of the OJP Financial Guide, effective edition, and all laws, rules and regulations applicable to expenditures of State funds including the Reference Guide for State Expenditures. Subrecipients must maintain appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received. This includes: financial documentation for disbursements; daily time and attendance records specifying time devoted to allowable VOCA victim services; client files; the portion of the project supplied by other sources of revenue; job descriptions; contracts for services; and other records which facilitate an effective audit. Subrecipients will abide by any additional eligibility or service criteria as established by the state grantee including submitting statistical and programmatic information on the use and impact of VOCA funds, as requested.

PUBLIC AGENCIES ONLY: I hereby certify that pursuant to the VOCA Rules, grant funds will be used to enhance or expand services and will not be used to supplant state and local funds that would otherwise be available for crime victim services.

Signature of Agency Director: Nelson Moya

Date: February 10, 2021 10:35AM

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Agency Eligibility

1) Identify which of the following categories best describes the applicant agency:

Public

2) Describe the type of implementing agency (choose only one category):

✓

Government Agencies Only (choose one from the drop-down menu):

Law Enforcement

Describe Other:

Campus Organizations Only (choose one from the drop-down menu):

Describe Other:

Non-profit Organization Only (choose one from the drop-down menu):

**Federally Recognized Tribal Governments, Agencies, and Organizations Only
(choose one from the drop-down menu):**

Describe Other:

3) Judicial circuit to be served:

Eighteenth

4) Subgrantee Agency Service Area(s) (List the counties that cover the service area of your organization);

Brevard County

5) List the total population of the service area:

615,420

6) Describe the geographic characteristics of the service area (choose one from the drop-down menu):

Urban

7) Congressional District(s) served:

8th

OFFICE OF THE FLORIDA ATTORNEY GENERAL
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Agency Eligibility

- 8) **Describe the purpose of the Proposed VOCA sub award: (choose one from the drop-down menu):**
Continue a VOCA funded victim project funded in a previous year
- 9) **Funds will primarily be used to (choose one from the drop-down menu):**
Continue existing services to crime victims
- 10) **Is the applicant organization faith-based? (choose one from the drop-down menu):**
No
- 11) **Include the address of the location(s) victim services will be provided:**
Palm Bay Police Department
Victim Services Unit
130 Malabar Rd SE
Palm Bay, FL 32907-3009
- 12) **Provide the agency's website address:**
<https://www.palmbayflorida.org/government/city-departments-f-to-z/police>

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Certification Regarding Debarment

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause title "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Certification Regarding Debarment

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Non-procurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which the transaction originated may pursue available remedies, including suspension and/or debarment.

U. S. DEPARTMENT OF JUSTICE
OFFICE OF THE COMPTROLLER
OFFICE OF JUSTICE PROGRAMS

Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered transactions
(Sub-Recipient)

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67.510. Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160 B 19211).

- 1) The prospective lower tier participant certifies, by submission of the proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- 2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Certification Regarding Debarment

Jessica Hinchman, Project Specialist
Name and Title of Authorized Official

✓

Signature of Authorized Official

February 10, 2021 10:49AM

Date Signed

City of Palm Bay Police Department
Name of Organization

Palm Bay Police Department
130 Malabar Rd SE
Address of Organization

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Special Conditions Certification

Victims of Crime Act (VOCA) Section 539, Consolidated and Further Continuing Appropriations Act, 2013, Special Conditions Certification Form

Section 539 of the Consolidation and further Continuing Appropriations Act, 2013 provides the following requirement:

Computer Network Requirement

The Agency understands and agrees that:

a) No award funds may be used to maintain or establish a computer network system unless such network blocks the viewing, downloading, and exchanging of pornography, and

b) Nothing in item (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

* Each agency must have some type of blocking software, if their networks are supported ("maintained") by VOCA funds;

* This includes the purchase of new computer equipment (computers, monitors and printers), or software of any kind (new and/or updates) for the computer network system.

AGENCY CERTIFICATION:

✓ VOCA funding is **NOT USED** to maintain or establish a computer network system.

OR

VOCA funding is **USED** to maintain or establish a computer network system. However, the computer network system is (select one below):

Is currently blocking the viewing, downloading, and exchanging of pornography, or

Is not able to block the viewing, downloading and exchanging of pornography.
Anticipated date of blocking software purchase (fill in date), or

Exempt because organization is a Federal, State, tribal, or local law enforcement agency, or an entity carrying out criminal investigations, prosecutions, or adjudication activities.

Agency Name: City of Palm Bay Police Department

Name of Authorized Official: Jessica Hinchman, Project Specialist

Signature and Title of Authorized Official: ✓

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Special Conditions Certification

Date of Certification: 2/10/2021

OAG Staff Only:

Approved

Not Approved

Approved By

February 10, 2021 10:50AM
Date Approved

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Standard Assurances

U.S. Department of Justice
Office of Justice Programs
Office for Victims of Crime
AWARD CONTINUATION
SHEET
Grant

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/Legal Notices-AwardReqs.htm](http://ojp.gov/funding/Explore/Legal%20Notices-AwardReqs.htm)), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurance or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with any one or more of these award requirements—whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period—may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or -unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or unenforceable, such provision shall be deemed severable from this award.

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2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2020 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2020 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2020 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain – typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies – and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

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Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Requirements related to “de minimis” indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the “de minimis” indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the “de minimis” indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The “de minimis” rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

6. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate), in writing of the potential duplication, and, if so requested by the DOJ awarding agency and/or OAG, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

7. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards (“subgrants”) to first-tier subrecipients (first-tier “subgrantees”), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient’s obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by the reference here.

This condition does not apply to an award, to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Standard Assurances

8. Employment eligibility verification for hiring under the award

1. The recipient (and any "subrecipient" at any tier) must—

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provision of 8 U.S.C. 1324a(a) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both—

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

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For purposes of this condition, persons “who are or will be involved in activities under this award” specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a “Tentative Nonconfirmation” or a “Final Nonconfirmation”) to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. “United States” specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

9. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any “subgrantee” at any tier), must have written procedures in place to respond in the event of an actual or imminent “breach” (OMB M-17-12) if it (or a subrecipient) – (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of “personally identifiable information (PII)” (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a “Federal information system” (OMB Circular A-130). The recipient’s breach procedures must include a requirement to report actual or imminent breach of P 11 to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

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10. All subawards (“subgrants”) must have specific federal authorization

The recipient, and any subrecipient (“subgrantee”) at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that—for purposes of federal grants administrative requirements—OJP considers a “subaward” (and therefore does not consider a procurement “contract”).

The details of the requirements for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards (“subgrants”) must have specific federal authorization), and are incorporated by reference here.

11. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient (“subgrantee”) at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that—for purposes of federal grants administrative requirements—OJP considers a procurement “contract” (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

12. Unreasonable restrictions on competition under the award; association with federal government SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in Part) by this award, whether by the recipient or by a subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).
1. No discrimination, in procurement transactions, against associates of the federal government Consistent with the (DOJ) Part 200 Uniform Requirements-including as set at 2 C.F.R. 200.300 (requiring awards to be “manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements”) and 200.319(a) (generally requiring “[a]ll procurement transactions [to] be conducted in a manner providing full and open competition” and forbidding practices “restrictive of competition,” such as “[p]lacing unreasonable requirements on firms in order for them to qualify to do business” and taking “[a]ny arbitrary action in the procurement process”) – no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity’s status as an “associate of the federal government” (or on the basis of such person or entity’s status as a parent, affiliate, or subsidiary of such an associate), except as expressly

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Standard Assurances

set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government – as an employee, contractor or subcontractor (at any tier), grant recipient or "subrecipient (at any tier), agent, or otherwise – in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

13. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

14. Determination of suitability to interact with participating minors

SCOPE. The condition applies to this award if it is indicated – in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute – that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain

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individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Expore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

15. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the DOJ Grants Financial Guide").

16. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

17. OJP Training Guiding Principles

Any training or training materials that recipient—or any subrecipient ("subgrantee") at any tier—develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

18. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ award agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

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19. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the performance of this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

20. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

21. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

23. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awards by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes

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certain activities that otherwise would be barred by law).

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

24. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020). The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY20AppropriationsRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award— (1) submitted a claim that violates the False Claim Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by—(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW. Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG web site at <https://oig.justice.gov/hotline>.

26. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement

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contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which related to classified information), Form 4414 (which related to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient—

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both—

a. it represents that—

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that

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agency.

27. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

28. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Message While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

29. Requirements to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

30. The Victims of Crime Act (VOCA) of 1984 states that VOCA funds are available during the federal fiscal year in which the award was actually made, plus the following three fiscal years. At the end of this period, VOCA funds will be deobligated. OJP has no discretion to permit extensions beyond the statutory period (E.g., VOCA funds awarded in FY 2020, are available until the end of FY 2023).

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31. Discrimination Findings

The recipient assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a recipient of victim assistance formula funds under this award, the recipient will forward a copy of the findings to the Office for Civil Rights of OJP.

32. VOCA Requirements

The recipient assures that the State and its subrecipients will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 34 U.S.C. 20103(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the State certifies that funds under this award will:

a) be awarded only to eligible victim assistance organizations, 34 U.S.C. 20103(a)(2);

b) not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 34 U.S.C. 20103(a)(2); and

c) be allocated in accordance with program guidelines or regulations implementing 34 U.S.C. 20103(a)(2)(A) and 34 U.S.C. 20103(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.

33. The recipient authorizes the Office for Victim of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, papers, or documents related to this grant.

34. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

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35. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

36. The recipient must receive and engage in any training and technical assistance activities recommended by the Office for Victims of Crime.

Agency Name:	City of Palm Bay Police Department
Name of Authorized Official:	Jessica Hinchman, Project Specialist
Signature of Authorized Official:	✓
Date Signed:	February 10, 2021 10:51AM

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
EEOP Certification Form

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Carefully read the instructions below and then complete the applicable section for your agency.

Recipient's Name: City of Palm Bay Police
Department

DUNS Number: 060236262

Address: Palm Bay Police Department
130 Malabar Rd SE, Palm Bay, Florida, 32907-3009

Grant Title: VOCA 2021

Grant Number: VOCA-2021-City of Palm Bay Police
D-00265

Requested Award Amount: \$0

Name and Title of Contract Person: Mr. Nelson Moya Police Chief

Telephone Number: (321) 952-3458

E-Mail Address: Nelson.Moya@palmbayflorida.org

Section A - Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

Recipient has less than fifty employees.

Recipient is an educational institution.

Recipient is a nonprofit organization.

Recipient is a medical institution.

Recipient is an Indian tribe.

Recipient is receiving an award less than
\$25,000.

I, [responsible official],
certify that [recipient] is
not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.
I further certify that [recipient]
will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the
delivery of services.

✓ **Section B - Declaration Claiming Exemption from the EEOP Submission Requirement and
Certifying that an EEOP is on File for Review**

*If a recipient agency has fifty or more employees and is receiving a single award or subaward of
\$25,000 or more, but less than \$750,000, then the recipient agency does not have to submit an EEOP
to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):*

I, Jessica Hinchman *[responsible official]*,
certify that City of Palm Bay Police Department *[recipient]*,
which has fifty or more employees and is receiving a single award or subaward for \$25,000 or

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Organization: City of Palm Bay Police Department

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EEOP Certification Form

more, but less than \$750,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:

City of Palm Bay Police Department [organization],
130 Malabar Rd SE Palm Bay, FL 32907-3009 [Address].

Section C - Declaration Stating that an EEOP Utilization Report Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$750,000 or more, then the recipient agency must send an EEOP Utilization Report to the OCR for review.

I, [responsible official],
certify that [recipient],
which has fifty or more employees and is receiving a single award of \$750,000 or more, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on [date] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

Jessica Hinchman, Project Specialist
Name and Title of Authorized Official

✓

Signature of Authorized Official

February 10, 2021 10:54AM

Date Signed

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Related Parties Questionnaire

Agency Name: City of Palm Bay Police Department

- 1) Are there currently any family relationships that exist between the board of directors, the agency's principal officers, the agency's employees, and any independent contractors? No

If yes, describe any and all family relationships that exist and indicate if your agency has a related parties policy.

- 2) Are you aware of any interests, direct or indirect, that exist with the current board of directors, the current agency principal officers, the current agency employees, or any current independent contractors in the following area?

A) Sale, purchase, exchange, or leasing of property? No

B) Receiving or furnishing of goods, services, or facilities? No

C) Transfer or receipt of compensation, fringe benefits, or income or assets? No

D) Maintenance of bank balances as compensating balances for the benefit of another? No

If yes to any above, describe any and all interests that you are aware of at this time.

- 3) Are any current board of directors, current agency's principal officers, current agency's employees, or any current independent contractors indebted to the agency? No

If yes, describe any and all family relationships that exist and indicate if your agency has a related parties policy.

- 4) Have any current board of directors, current agency principal officers, current agency employees, or any current independent contractors misappropriated assets or committed other forms of fraud against the agency? No

If yes, describe any and all family relationships that exist and indicate if your agency has a related parties policy.

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Related Parties Questionnaire

By signing this form, I hereby certify that the information contained in this questionnaire is true and accurate to the best of my knowledge and belief. I acknowledge my obligation to notify the Office of the Attorney General VOCA Grant Manager for this contract of any changes to the information provided.

Jessica Hinchman, Project Specialist
Name and Title of Authorized Official

✓

Signature of Authorized Official

February 10, 2021 10:55AM
Date Signed

OFFICE OF THE FLORIDA ATTORNEY GENERAL

VOCA 2021-2022

Organization: City of Palm Bay Police Department

Grant No.: VOCA-2021-City of Palm Bay Police D-00265

VOCA Personnel Budget: 1

Agency Name: City of Palm Bay Police Department

Complete the table below and provide information about each position requested. In the Budget Narrative section indicate if the salary/benefit expenses listed include costs that are anticipated during the 12 month period. For example, raises and increases in benefit costs, as well as any other information needed to support the request.

Provide a job description for all proposed VOCA-funded staff and indicate the percentage of time by each job duty. Failure to provide VOCA allowable job descriptions may result in a reduction to your request. The job description must reflect VOCA allowable activities that are equal to or greater than the percentage of the position that is VOCA funded.

RATE: A percentage should be indicated for those benefits that are calculated by using a percentage of the gross salary, e.g., retirement is often calculated in this manner.

Personnel:

	Total Actual Cost (from chart below)	Total Amount VOCA Funded	Percent VOCA Funded	VOCA Funded FTE
Position: Victim Advocate	\$43,675.79	\$32,756.84	75%	0.75

Personnel Narrative: Advocate's Salary (\$39,824.40) with taxes (\$3,046.57) and retirement (\$796.49) us requested for VOCA funding (\$43,667.46 @ 75%). Victim Advocate serves crime victims in Palm Bay as part of the first response team of crime only, not natural disasters.

Sub-Total	\$43,675.79	\$32,756.84		0.75
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Agency Contribution for Personnel Expenses	\$10,918.95
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Pay Schedule: (choose one from the drop-down menu)	Bi-Weekly
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Position Number:

Hours per week =	40
Hourly Rate =	\$19.15

		RATE	Yearly Employer Cost	Per Pay Period Approved Budget
Gross Salary	\$39,832.00		\$39,832.00	\$1,532.00
FICA		7.65%	\$3,047.15	\$117.20
Retirement		2%	\$796.64	\$30.64
Health Ins.			\$0	\$0

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Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
VOCA Personnel Budget: 1

Life Ins.		\$0	\$0
Dental Ins.		\$0	\$0
Workers Comp	0%	\$0	\$0
Unemployment	0%	\$0	\$0
(1st \$7K)			
Other:		\$0	\$0
	TOTAL	\$43,675.79	\$1,679.84

Explanation (if applicable):

Is this position used as a matching expense Y/N?

Yes

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VOCA 2021-2022

Organization: City of Palm Bay Police Department

Grant No.: VOCA-2021-City of Palm Bay Police D-00265

VOCA Personnel Budget: Victim Advocate 2

Agency Name: City of Palm Bay Police Department

Complete the table below and provide information about each position requested. In the Budget Narrative section indicate if the salary/benefit expenses listed include costs that are anticipated during the 12 month period. For example, raises and increases in benefit costs, as well as any other information needed to support the request.

Provide a job description for all proposed VOCA-funded staff and indicate the percentage of time by each job duty. Failure to provide VOCA allowable job descriptions may result in a reduction to your request. The job description must reflect VOCA allowable activities that are equal to or greater than the percentage of the position that is VOCA funded.

RATE: A percentage should be indicated for those benefits that are calculated by using a percentage of the gross salary, e.g., retirement is often calculated in this manner.

Personnel:

	Total Actual Cost (from chart below)	Total Amount VOCA Funded	Percent VOCA Funded	VOCA Funded FTE
Position: Victim Advocate	\$62,005.62	\$31,002.81	50%	0.50

Personnel Narrative: Advocate's salary (\$54,558) with taxes (\$4,173.69) and retirement (\$3,273.48) is requested for VOCA funding (\$62,005.17 @ 50%). Victim Advocate serves crime victims in Palm Bay as part of the first response team of crime, not natural disasters.

Sub-Total	\$62,005.62	\$31,002.81		0.5
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Agency Contribution for Personnel Expenses	\$31,002.81
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Pay Schedule: (choose one from the drop-down menu)	Bi-Weekly
--	-----------

Position Number:

Hours per week =	40
Hourly Rate =	\$26.23

		RATE	Yearly Employer Cost	Per Pay Period Approved Budget
Gross Salary	\$54,558.40		\$54,558.40	\$2,098.40
FICA		7.65%	\$4,173.72	\$160.53
Retirement		6%	\$3,273.50	\$125.90
Health Ins.			\$0	\$0

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VOCA 2021-2022

Organization: City of Palm Bay Police Department

Grant No.: VOCA-2021-City of Palm Bay Police D-00265

VOCA Personnel Budget: Victim Advocate 2

Life Ins.		\$0	\$0
Dental Ins.		\$0	\$0
Workers Comp	0%	\$0	\$0
Unemployment	0%	\$0	\$0
(1st \$7K)			
Other:		\$0	\$0
	TOTAL	\$62,005.62	\$2,384.83

Explanation (if applicable):

Is this position used as a matching expense Y/N?

Yes

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
VOCA Contractual/Fee for Service Budget

Agency name: City of Palm Bay Police Department

For each contractual service listed, include a description of the service to be provided, the business name of the contractor, the cost per unit of service, and the estimated units of service to be used. Indicate in the narrative section how the number of services requested was determined. Also, give a description of a unit of service, e.g., a 60 minute unit of legal services, a 60 minute individual therapy session, and a 90 minute group therapy session.

Therapy must be requested at a maximum of the following rates, per 15 minute increment/unit:

Individual Therapy- \$25 per unit

Family Therapy- \$12.25 per unit/per person

Group Therapy- \$8 per unit/per person

EXAMPLE - Budget Narrative:

Therapy, Inc., will provide therapy for adult survivors of incest. It is anticipated that this service will be used approximately 10 times during the year.

Contractual Services - Contracts for specialized services:

Name of Business or Contractor / Budget Narrative	Cost Per Unit of Service	Estimated Units of Service	Total
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Name of Business or Contractor:

Budget Narrative:

Contractual Subtotal			\$0
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OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
VOCA Equipment Budget

Agency Name: City of Palm Bay Police Department

Items included in this section must be furniture and/or equipment costing \$2,500 or more. If awarded funds in this category, prior approval is required before purchasing items. Provide a justification for the equipment purchase requests.

EXAMPLE - Narrative Response:

The computer will increase the advocate's ability to reach and better serve crime victims. The cost listed above is for a complete computer package which includes the computer, monitor, software and printer.

ALL EQUIPMENT PURCHASES MUST BE PRE-APPROVED PRIOR TO THE ACTUAL PURCHASE

Equipment:

Description of Equipment and a Budget Narrative	Number	Cost Per Item	Total
Description of Equipment:			
Budget Narrative:			
Equipment Subtotal			\$0

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
VOCA Operating Budget

Agency name: City of Palm Bay Police Department

Office supplies such as paper, pencils, toner, printing, books, postage, transportation for victims; monthly service costs for telephone or utilities; staff travel (for direct service to crime victims only), etc. Furniture and equipment costing less than \$2,500 should be requested from this budget category. In the narrative section, provide a brief description of the operating expenses and note if the cost is pro-rated. Indicate how the number and cost of services requested were determined (by FTE? by % use? by sq/ft?).

EXAMPLE- Narrative Response:

The Victim Advocate will need monthly telephone service calculated at \$20 per month, which is the standard rate budgeted for new positions in this agency.

Operating:

Description of Operating Cost and a Budget Narrative	Number	Cost Per Item	Total
Description of Operating Cost:			
Budget Narrative:			
Operating Subtotal			\$0

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
VOCA Training Budget: Victim Services Practitioner Designation

Agency Name: City of Palm Bay Police Department

Training requested must be to enhance delivery of victim services.

Travel associated with training must adhere to the State of Florida Travel Rules.

If awarded funds in this category, additional information will be required prior to incurring costs associated with training.

The narrative should include the name and detailed information on the training and a justification for how it will enhance

direct services to crime victims. VOCA funds will only reimburse registration, lodging and travel.

Florida Administrative Rules related to travel expenses:

[Click Here](#)

Section 112.061, Florida Statutes- Travel Expenses:

[Click Here](#)

Reference Guide for State Expenditures:

[Click Here](#)

Training Expenses:

Description of Training Expenses and a Budget Narrative	Number	Cost Per Item	Total
Description of Training Expenses: Victim Services Practitioner Designation Budget Narrative: Due to COVID, a Victim Advocate needs their initial Victim Services Practitioner Designation completed. Registration (\$300), hotel (\$950) and per diem (\$250) are requested.	1	\$1,500.00	\$1,500.00
Training Subtotal			\$1,500.00

OFFICE OF THE FLORIDA ATTORNEY GENERAL

VOCA 2021-2022

Organization: City of Palm Bay Police Department

Grant No.: VOCA-2021-City of Palm Bay Police D-00265

VOCA Match Budget: Victim Advocate 1

Agency Name: City of Palm Bay Police Department

Program Match: The VOCA Rules require that all proposals provide a 20% match of the total VOCA project. Total VOCA Project is defined as the VOCA Budget Request plus the Program Match. Match funds are subject to the same restrictions that govern VOCA grant funds, i.e., the source of program match must be a VOCA-allowable expenditure. Training is not approved as a matching contribution.

To determine the amount of match required by the VOCA Rules for the proposed VOCA project, divide the total amount of the VOCA Budget Request by four. The result is the amount of the program match. For example, if the VOCA Budget Request is \$30,000, then divide \$30,000 by four which equals \$7,500. In this case, the required match is \$7,500 which equals 20% of the total VOCA project. The following further illustrates the program match requirement:

$$\begin{array}{r} \$30,000 \\ + \$7,500 \\ \hline \$37,500 \end{array}$$

Allowable match funds may include, but are not limited to, volunteers, staff salaries, rent, equipment, operating costs, etc. Federal funds from other sources cannot be used for VOCA match. Match used for the VOCA project cannot be used as match for any other grant. Do not over report match, i.e., do not provide match in excess of 20% of the total VOCA project. Match may be provided as either cash or in-kind or a combination of cash and in-kind as follows:

Cash Match: A cash match is any cost component that is included in the agency's overall budget as it applies to the provision of direct services for victims of crime, i.e., staff providing direct victim services, travel related to the delivery of direct victim services, rent paid by the agency for the portion of the program providing direct victim services, etc. If the agency pays for the expense, then it may be used as a cash match.

In-Kind Match: An in-kind match includes donated items or services that benefit the program but which do not have a dollar value assigned for budgeted purposes. For example, programs may use volunteer hours as match. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the applicant agency. If the required skills are not found in the applicant agency, the rate of compensation must be consistent with the labor market. Programs may use items donated by other programs or individuals as in-kind match, i.e., rent and utilities used for the provision of direct services to victims and donated by another source outside the agency.

The Program match section is an itemized description by budget category of proposed matching contributions. The budget categories are personnel, contractual services, equipment and operating expenses. Provide a detailed (itemized) list and a budget narrative for each budgeted category. Indicate the funding source and indicate if it is a cash or in-kind match. Do not over report required match. Unless otherwise approved by the OAG, reported match must be consistent with the monthly reimbursement request.

OFFICE OF THE FLORIDA ATTORNEY GENERAL

VOCA 2021-2022

Organization: City of Palm Bay Police Department

Grant No.: VOCA-2021-City of Palm Bay Police D-00265

VOCA Match Budget: Victim Advocate 1

Match Narrative: Describe in detail the type of Match, whether cash or in-kind, the budget category, etc. Submit the same detailed information for match as provided for VOCA funded items. If match is in the personnel category for paid staff complete the table below (attach additional page(s) if needed) and provide the total salary and benefits and percentage. Attach job descriptions for all paid staff and/or volunteers reported as Match. Job descriptions must reflect VOCA allowable activities that are equal to or greater than the percentage of the position that is reported as Match. Failure to provide VOCA allowable job descriptions may result in a reduction to your request.

EXAMPLES- Match Narrative:

Our agency utilizes volunteers who provide direct services to victims of crime, such as intake clerks, clerical (types reports and calls victims) and victim advocates. The agency anticipates using volunteers at the equivalent of 20 - 23 hours per week x 52 weeks x \$5.15 for a match of \$5,698.

* Only those agencies with an established volunteer component are eligible to utilize volunteers as match.

The agency rents office space from the Global Company at \$14,400 annually and the agency's pro-rated portion for office space for volunteers and supervisor of the victim advocate would be approximately 19% (or \$234 per month) x 12 months = \$2,807.

Approximately 5% of the Victim Advocate Supervisor position will be utilized to provide supervision for the victim advocate position. The supervisor's total salary and benefits equal \$32,000.

Program Match Description	Funding Source May not be derived from Federal Dollars	Cash or In-Kind	Budget Category	Match Amount
Victim Advocate 1	Local, Public or Private	Cash	Personnel	\$6,551.37
Match Sub-Total				\$6,551.37

Budget Narrative: Advocate's salary (\$39,824.40), taxes (\$3,046.57), & retirement (\$796.49) are requested for VOCA funding @ 75% & a match of 14%. Victim Advocate serves crime victims in Palm Bay as part of the first response team of crime only, not natural disasters.

VOCA FTE %	0.15%			
Hours per week =	40	RATE	Employer Cost	Reported Match =
Hourly Rate =	\$19.15			15%
Annual Gross Salary	\$39,832.00		\$39,832.00	\$5,974.80
FICA		7.65%	\$3,047.15	\$457.07
Retirement		2%	\$796.64	\$119.50
Health Ins.			\$0	\$0
Life Ins.			\$0	\$0
Dental Ins.			\$0	\$0
Workers Comp		0%	\$0	\$0

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
VOCA Match Budget: Victim Advocate 1

Unemployment	0%	\$0	\$0
Other		\$0	\$0
TOTAL		\$43,675.79	\$6,551.37

Explanation (if applicable):

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
VOCA Match Budget: Victim Advocate 2

Agency Name: City of Palm Bay Police Department

Program Match: The VOCA Rules require that all proposals provide a 20% match of the total VOCA project. Total VOCA Project is defined as the VOCA Budget Request plus the Program Match. Match funds are subject to the same restrictions that govern VOCA grant funds, i.e., the source of program match must be a VOCA-allowable expenditure. Training is not approved as a matching contribution.

To determine the amount of match required by the VOCA Rules for the proposed VOCA project, divide the total amount of the VOCA Budget Request by four. The result is the amount of the program match. For example, if the VOCA Budget Request is \$30,000, then divide \$30,000 by four which equals \$7,500. In this case, the required match is \$7,500 which equals 20% of the total VOCA project. The following further illustrates the program match requirement:

\$30,000
<u>+ \$7,500</u>
\$37,500

Allowable match funds may include, but are not limited to, volunteers, staff salaries, rent, equipment, operating costs, etc. Federal funds from other sources cannot be used for VOCA match. Match used for the VOCA project cannot be used as match for any other grant. Do not over report match, i.e., do not provide match in excess of 20% of the total VOCA project. Match may be provided as either cash or in-kind or a combination of cash and in-kind as follows:

Cash Match: A cash match is any cost component that is included in the agency's overall budget as it applies to the provision of direct services for victims of crime, i.e., staff providing direct victim services, travel related to the delivery of direct victim services, rent paid by the agency for the portion of the program providing direct victim services, etc. If the agency pays for the expense, then it may be used as a cash match.

In-Kind Match: An in-kind match includes donated items or services that benefit the program but which do not have a dollar value assigned for budgeted purposes. For example, programs may use volunteer hours as match. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the applicant agency. If the required skills are not found in the applicant agency, the rate of compensation must be consistent with the labor market. Programs may use items donated by other programs or individuals as in-kind match, i.e., rent and utilities used for the provision of direct services to victims and donated by another source outside the agency.

The Program match section is an itemized description by budget category of proposed matching contributions. The budget categories are personnel, contractual services, equipment and operating expenses. Provide a detailed (itemized) list and a budget narrative for each budgeted category. Indicate the funding source and indicate if it is a cash or in-kind match. Do not over report required match. Unless otherwise approved by the OAG, reported match must be consistent with the monthly reimbursement request.

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
VOCA Match Budget: Victim Advocate 2

Match Narrative: Describe in detail the type of Match, whether cash or in-kind, the budget category, etc. Submit the same detailed information for match as provided for VOCA funded items. If match is in the personnel category for paid staff complete the table below (attach additional page(s) if needed) and provide the total salary and benefits and percentage. Attach job descriptions for all paid staff and/or volunteers reported as Match. Job descriptions must reflect VOCA allowable activities that are equal to or greater than the percentage of the position that is reported as Match. Failure to provide VOCA allowable job descriptions may result in a reduction to your request.

EXAMPLES- Match Narrative:

Our agency utilizes volunteers who provide direct services to victims of crime, such as intake clerks, clerical (types reports and calls victims) and victim advocates. The agency anticipates using volunteers at the equivalent of 20 - 23 hours per week x 52 weeks x \$5.15 for a match of \$5,698.

* Only those agencies with an established volunteer component are eligible to utilize volunteers as match.

The agency rents office space from the Global Company at \$14,400 annually and the agency's pro-rated portion for office space for volunteers and supervisor of the victim advocate would be approximately 19% (or \$234 per month) x 12 months = \$2,807.

Approximately 5% of the Victim Advocate Supervisor position will be utilized to provide supervision for the victim advocate position. The supervisor's total salary and benefits equal \$32,000.

Program Match Description	Funding Source May not be derived from Federal Dollars	Cash or In-Kind	Budget Category	Match Amount
Victim Advocate 2	Local, Public or Private	Cash	Personnel	\$8,680.79
Match Sub-Total				\$8,680.79
Budget Narrative:	Victim			

VOCA FTE %	0.14%			
Hours per week =	40	RATE	Employer Cost	Reported Match =
Hourly Rate =	\$26.23			14%
Annual Gross Salary	\$54,558.40		\$54,558.40	\$7,638.18
FICA		7.65%	\$4,173.72	\$584.32
Retirement		6%	\$3,273.50	\$458.29
Health Ins.			\$0	\$0
Life Ins.			\$0	\$0
Dental Ins.			\$0	\$0
Workers Comp		0%	\$0	\$0
Unemployment		0%	\$0	\$0
Other			\$0	\$0
TOTAL			\$62,005.62	\$8,680.79

**OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
VOCA Match Budget: Victim Advocate 2**

Explanation (if applicable):

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
VOCA Match Budget: Volunteer Advocate

Agency Name: City of Palm Bay Police Department

Program Match: The VOCA Rules require that all proposals provide a 20% match of the total VOCA project. Total VOCA Project is defined as the VOCA Budget Request plus the Program Match. Match funds are subject to the same restrictions that govern VOCA grant funds, i.e., the source of program match must be a VOCA-allowable expenditure. Training is not approved as a matching contribution.

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\$30,000
+ \$7,500
<u>\$37,500</u>

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OFFICE OF THE FLORIDA ATTORNEY GENERAL

VOCA 2021-2022

Organization: City of Palm Bay Police Department

Grant No.: VOCA-2021-City of Palm Bay Police D-00265

VOCA Match Budget: Volunteer Advocate

Match Narrative: Describe in detail the type of Match, whether cash or in-kind, the budget category, etc. Submit the same detailed information for match as provided for VOCA funded items. If match is in the personnel category for paid staff complete the table below (attach additional page(s) if needed) and provide the total salary and benefits and percentage. Attach job descriptions for all paid staff and/or volunteers reported as Match. Job descriptions must reflect VOCA allowable activities that are equal to or greater than the percentage of the position that is reported as Match. Failure to provide VOCA allowable job descriptions may result in a reduction to your request.

EXAMPLES- Match Narrative:

Our agency utilizes volunteers who provide direct services to victims of crime, such as intake clerks, clerical (types reports and calls victims) and victim advocates. The agency anticipates using volunteers at the equivalent of 20 - 23 hours per week x 52 weeks x \$5.15 for a match of \$5,698.

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Approximately 5% of the Victim Advocate Supervisor position will be utilized to provide supervision for the victim advocate position. The supervisor's total salary and benefits equal \$32,000.

Program Match Description	Funding Source May not be derived from Federal Dollars	Cash or In-Kind	Budget Category	Match Amount
Volunteer Advocate	Donated	In-Kind	Personnel	\$1,082.75
Match Sub-Total				\$1,082.75

Budget Narrative:

Volunteers are on-call during evening, weekend & holiday hours; working 4,000 plus hours per year as part of the first response team to serve crime victims, not natural disasters. 1,248 hours will be used as match at \$1 an hour value at 86.6%.

VOCA FTE %	0.5202%			
Hours per week =	24	RATE	Employer Cost	Reported Match =
Hourly Rate =	\$1.00			86.7%
Annual Gross Salary	\$1,248.00		\$1,248.00	\$1,082.02
FICA		0%	\$0	\$0
Retirement		0%	\$0	\$0
Health Ins.			\$0	\$0
Life Ins.			\$0	\$0
Dental Ins.			\$0	\$0
Workers Comp		0%	\$0	\$0

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
VOCA Match Budget: Volunteer Advocate

Unemployment	0%	\$0	\$0
Other		\$0.85	\$0.74
TOTAL		\$1,248.85	\$1,082.75

Explanation (if applicable):

Addition of \$2.09 in other category to balance the total required match.

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
VOCA Budget Request

Budget Summary By Category		Total VOCA Budget Request	Total VOCA Approved Budget
Personnel (10A)		\$63,759.65	
Contractual Services (10B)		\$0	
Equipment (10C)		\$0	
Operating Expenses (10D)		\$0	
Training Expenses (10E)		\$1,500.00	
Total		\$65,259.65	\$0
Required Match Part 11			\$16,314.91
Total paid staff for agency's victim services program (total number of full-time equivalent staff (FTE) for the current fiscal year):			2
Number of staff requested from VOCA, expressed in FTE's:			1.25
Number of staff requested as matching expenses, expressed in FTE's:			0.81
Total staff requested, expressed in FTE's:			2.0602
Child Abuse			\$0
(Include services for child physical abuse/neglect and child sexual assault/abuse)			
Domestic and Family Violence			\$0
Adult Sexual Assault			\$0
Underserved			\$0
(includes DUI/DWI crashes, survivors of homicide victims, assault, adults molested as children, elder abuse, victims with disabilities, robbery, other violent crimes)			
MATCH (financial support from other sources)			
Value of in-kind match	\$1,082.75		
Cash match	\$15,232.16		
Total match	\$16,314.91		
Match waiver	No		

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Funding Source Chart

Applicants must provide information that demonstrates community support of its services; financial support from non-federal sources; non-federal resources for the required 20% program match (unless in-kind match is utilized); and, if a new program, shows that 25-50% of the total financial support is from non-federal sources.

Budget and Staffing

Provide the amount of funding that is allocated to victim services within the applicant agency for the current fiscal year and the amount requested for the proposed VOCA project. Do not report the entire agency budget, unless the entire budget is devoted to victim services programs. Round amounts to the nearest dollar, and include all expenses which are budgeted for the victim services program (i.e., personnel costs which include salaries for directors, clerical/support staff, victim advocates, counselors, etc.; training costs; equipment such as computers, fax machines, printers, copiers, telephones, and furnishings, etc.; operating costs such as utilities, postage, printing, office supplies, travel, counseling supplies, etc.). Please note: Do not include in-kind match.

What is the fiscal year of your sub grantee agency?
 (choose one from the drop-down menu to the right)
 Other Defined:

October 1 to September 30

Funding Source	Agency Total Victim Services Budget (Current Fiscal Year)	Proposed VOCA Project Budget
Federal Funding *Describe below	\$0	\$0
VOCA Grant Request (excluding match)		\$63,759.65
State Funds	\$0	\$0
Local, Public or Private Funds	\$106,102.00	\$88,934.00
Other: VOCA Funded for FY21 \$45,364	\$45,364.00	\$0
Totals	\$151,466.00	\$152,693.65

*For the judicial circuit you are requesting funding with this application

* If the applicant agency currently receives federal funding for victim services, indicate the source(s) and the use of those funds. (Response is limited to 1000 characters.) If this is not applicable, please indicate "N/A."

N/A

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Use of VOCA and Match Funds

INSTRUCTION: For this request, check the category of service and subcategory that best identifies the types of services or activities that will be provided by the VOCA-funded project as described below.

Note: Report only those program activities that will be implemented with VOCA and Match funds .

Check all that apply

INFORMATION & REFERRAL

- | | |
|---|---|
| ✓ Information about the criminal justice process | ✓ Referral to other victim service programs |
| ✓ Information about victim rights, how to obtain notification, etc. | ✓ Referral to other services, supports and resources (includes legal, medical, faith-based organizations, address confidentiality programs, etc.) |

PERSONAL ADVOCACY/ACCOMPANIMENT

- | | |
|---|--|
| ✓ Victim advocacy/accompaniment to emergency medical care | Performance of medical forensic exam or interview, or medical evidence collection |
| ✓ Victim advocacy/accompaniment to medical forensic exam | ✓ Immigration assistance (e.g. special visa, continued presence application, and other immigration relief) |
| ✓ Law enforcement interview advocacy/accompaniment | ✓ Intervention with employer, creditor, landlord, or academic institution |
| Prosecution interview advocacy/accompaniment (includes accompaniment with prosecuting attorney and with victim/witness) | Child and/or dependent care assistance (provided by agency) |
| ✓ Criminal advocacy/accompaniment | ✓ Transportation assistance (provided by agency) |
| ✓ Civil advocacy/accompaniment (includes victim advocate assisting with protection orders) | ✓ Interpreter services |
| ✓ Individual advocacy (assistance in applying for public benefits, return of personal property or effects) | ✓ Assistance with victim compensation |

EMOTIONAL SUPPORT OR SAFETY SERVICES

OFFICE OF THE FLORIDA ATTORNEY GENERAL

VOCA 2021-2022

Organization: City of Palm Bay Police Department

Grant No.: VOCA-2021-City of Palm Bay Police D-00265

Use of VOCA and Match Funds

- | | |
|---|---|
| ✓ Crisis intervention (in-person, includes safety planning, etc.) | Therapy (traditional, cultural, or alternative healing: art, writing, or play therapy; etc.) |
| Hotline/crisis line counseling | Support groups (facilitated or peer) |
| Individual counseling | Emergency financial assistance (includes emergency loans and petty cash, payment for items such as food and/or clothing, changing windows and/or locks, taxis, prophylactic and non prophylactic meds, durable medical equipment, etc.) |
| ✓ On-scene crisis response (e.g., community crisis response) | |

SHELTER/HOUSING SERVICES

- | | |
|---------------------------------|-----------------------|
| Emergency shelter or safe house | Relocation assistance |
| Transitional housing | |

CRIMINAL/CIVIL JUSTICE SYSTEM ASSISTANCE

- | | |
|---|---|
| ✓ Notification of criminal justice events (e.g., case status, arrest, court proceedings, case disposition, release, etc.) | Immigration attorney assistance (e.g., special visas, continued presence application, and other immigration relief) |
| Victim impact statement assistance | Other civil legal attorney assistance (e.g., landlord/tenant, employment, etc.) |
| Assistance with restitution (includes assistance in requesting and when collection efforts are not successful) | Prosecution interview advocacy/accompaniment (includes accompaniment with prosecuting attorney and with victim/witness) |
| Emergency justice-related assistance | ✓ Criminal advocacy/accompaniment |
| Civil legal attorney assistance in obtaining protection or restraining order | ✓ Civil advocacy/accompaniment (includes victim advocate assisting with protection orders) |
| Civil legal attorney assistance with family law | |

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Use of VOCA and Match Funds

issues (e.g., custody, visitation, or support)

OFFICE OF THE FLORIDA ATTORNEY GENERAL
VOCA 2021-2022
Organization: City of Palm Bay Police Department
Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Statement of Need

Statement of Need: The statement of need must provide a description about why this project is needed. Be clear and avoid acronyms.

Underserved Victims: Applicants are encouraged to identify gaps in available services for "underserved" victims and to seek funding to provide services to these victims. Underserved populations may include, but are not limited to, child-on-child abuse, child abuse by non-caretaker, crimes against the elderly, non-English speaking persons, persons with disabilities, victims of federal crimes, victims of workplace violence and members of racial or minorities.

- 1) Briefly describe the need for services to victims of crime that will be addressed using VOCA funding . If needed, define the deficiency of services to victims.

Due to Palm Bay's large size & population coupled with limited social services in Brevard County, it is essential to continue the work of the Victim Services Unit (VSU) to provide 24-hour advocacy to victims of domestic violence & other violent crimes. Palm Bay Officers continually respond to a substantial rate of violence related calls including misdemeanor crimes that VSU assist. Through multiple resources, VSU responds to the debilitating effects of abuse & victimization helping those affected understand & process their own experiences in a broader social & cultural context. VSU has a partnership with Serene Harbor Domestic Violence Shelter who has seen an increased demand for housing of domestic violence victims from Palm Bay. The judicial system has seen Palm Bay continue to have successful prosecutions through the State Attorney's Office as a direct result of VSU collaboration. Advocates are part of a first response team to provide contact and assistance to affected individuals .

- 2) Provide information about crime statistics for all counties that will be served in the service area. Specifically, detail the statistics related to the need described in #1.

In 2020, Palm Bay Police Department received over 15,000 calls for criminal incidences with over 8,000 cases involving violence. Palm Bay's 2020 Uniform Crime Report & calls for service include: homicides, thefts, burglaries, domestic violence incidents, assaults, aggravated assaults, forcible rapes, motor vehicle thefts, and robberies. To mitigate the impact on victims and prevent future victimization, the VSU offers: safety planning, crisis counseling, information & referrals to other providers, transportation, assistance with victims' compensation, injunction filing, court accompaniment, personal advocacy, and other services as needed. A primary focus of the VSU is to provide the necessary resources to help individuals recover from their victimization.

- 3) Provide demographic information **about the population of all of the counties that will be served.** At a minimum, provide information about gender, race, or national origin and age for the service area.

The most recent breakdown of this 2021 estimate reflect the population as 51.2% male, 48.8% female and a median age of 40.3 years; 73.7% Caucasian, 17.7% African American, just over 2% are Asian or American Indian and Alaska Native, and 4.1% are two or more races. There was a total of 38,486 households with 74.5% owner occupied while 25.5% were rentals. Palm Bay has 9,900 veterans with over half falling in the age group of 65 and older. The poverty rate in Palm Bay is 13% with the Hispanic

OFFICE OF THE FLORIDA ATTORNEY GENERAL
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Grant No.: VOCA-2021-City of Palm Bay Police D-00265
Statement of Need

race having over 21% of residents living below the poverty level. VSU will provide services as need to all victims of crime regardless of gender, ethnicity/race, age, and sexual orientation.

- 4) Provide demographic information **about the population to be served through the proposed VOCA project.**

Palm Bay is the largest city in Brevard County covering over 100 square miles located on the east coast of Central Florida with a current population of 118,948. This 99% urban and 1% rural community provides affordable housing to low income individuals/families. The most recent breakdown of this 2021 estimate reflect the population as 51.2% male, 48.8% female and a median age of 40.3 years; 73.7% Caucasian, 17.7% African American, just over 2% are Asian or American Indian and Alaska Native, and 4.1% are two or more races. There was a total of 38,486 households with 74.5% owner occupied while 25.5% were rentals. Palm Bay has 9,900 veterans with over half falling in the age group of 65 and older. The poverty rate in Palm Bay is 13% with the Hispanic race having over 21% of residents living below the poverty level. VSU will provide services as need to all victims of crime regardless of gender, ethnicity/race, age, and sexual orientation.

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Project Proposal

The project proposal must clearly outline what needs to be done and by whom in order to address the needs identified in the statement of need.

The project proposal pertains only to the services related to the proposed Total VOCA Project (VOCA grant plus match activities).

- 1) Describe which services will be provided to the crime victims described in the statement of need. Summarize which services will be provided by each proposed VOCA funded personnel position or contractor. Specifically, indicate how the proposed personnel, operating, contractual, equipment and training expenses are associated with the provision of services to crime victims: consistency

The Victim Services Unit (VSU) will provide advocacy services to victims of the following crime types: domestic violence, child physical and sexual abuse, homicide survivors, elder abuse, robbery, assault, stalking criminal mischief, violation of injunction, battery, disturbance, and other violent crimes. VSU provides an on-call 24-hour advocacy team to work directly with police officers as part of a first response team. VSU will assist victims with crisis counseling, information and referral to other providers (medical, legal, social economic, vocational, and psychological), securing emergency shelter, filing injunctions along with subsequent court proceedings, transportation, follow up contacts, and other resources as needed. Transportation is a crucial element that provides victims with the means to access the referred services. The VSU currently staffs two paid Victim Advocates and six Volunteer Advocates who provide direct services to crime victim in Palm Bay.

- 2) Provide a listing of other agencies that will coordinate services with the applicant for the VOCA project and the services provided by each agency.

VSU coordinates with several social service providers in the community such as the State Attorney's Office for prosecution; Serene Harbor & Salvation Army for shelter and relocation services; Legal Aide for legal representation at injunction hearings and divorce proceedings; Women's Center, Family Counseling Center, and Florida Tech Counseling Psychological services for counseling and support groups; Probation and Parole for facilitating defendant violations; Brevard County Sheriff's Office for coordination of serving injunctions; Melbourne Police Department for supplemental material multi-jurisdictional cases; Children and Families for protection and welfare of children and the elderly; Children's Home Society for family resources; the Sharing Center for victim supplies and needs; and any other businesses and social service agencies as the needs arise.

- 3) Describe in detail how the coordination of services will be accomplished. Indicate if a Memorandum of Agreement or other formal coordination plan is in place.

VSU provides victims transportation to services and refers them to the appropriate social service providers. With the exception of Serene Harbor, who obtained a MOU for legal representation, coordination of services is done on an informal basis with no MOU based on a reciprocal referral arrangement. Victims are referred to the Women's Center for counseling and support group;

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Legal Aide for free representation at injunction and/or divorce hearings; to the Salvation Army & Serene Harbor for shelter & to provide assistance with relocation funding; Children & Families to provide safety/welfare for children or elderly victims; the State Attorney to ensure victim cooperation for mandatory attorney appearances, to update and obtain the needed documentation to violate perpetrators, and to keep them engaged in the process with the goal of increasing the likelihood of successful prosecution. VSU along with most agencies serve jointly on the Brevard County DV Task Force & Fatality Review Team.

- 4) Does a duplication of service exist? (Choose one from the drop-down menu): No
If yes, please explain.

- 5) The VOCA Rules mandate that grant recipients use volunteers in the victim services program. Describe how volunteers will be utilized to provide services to crime victims. If the agency does not currently utilize volunteers, please explain how they will be recruited and incorporated into the victim services program.

VSU heavily relies on Volunteer Advocates to provide 24-hour on-call emergency advocacy to victims of crime during evening, weekend, and holiday hours. The volunteers also work as part of the first response team both in-person and via telephone. During the initial contact, the Volunteer Advocate completes an assessment of each victim to determine the appropriate services needed which may include securing emergency shelter for the victim and their children; facilitating emergency injunctions; providing crisis counseling; information or referrals including notifying eligible victims about victims' compensation. The on-call volunteer may transport the victims to any social services agency and/or any appointment that is a result of their being victimized. VSU may also utilize volunteers to assist with processing victim paperwork, computer data entry, distribute VSU brochures, attend community outreach events to identify crime victims and refer them to the appropriate services.

- 6) Identify the number of volunteer hours supporting the work of this VOCA award for subgrantee agency's victimization program/services.

6	Volunteers provided
4800	Hours of Service annually
2.3077	FTE equivalent (hours provided divided by 2080)

- 7) Provide a justification for not billing the Victim Compensation program for services requested in this application that may be allowable under the Victim Compensation Program.

The VSU does not bill for victim compensation, therefore this is not applicable.

- 8) The agencies that receive VOCA grant funding are required to comply with the Federal statutes and regulations that prohibit discrimination in federally assisted programs or activities. Recipients may not

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Project Proposal

discriminate in employment on the basis of race, color, national origin, religion, sex, and disability. Also, recipients may not discriminate in the delivery of services or benefits on the basis of race, color, national origin, religion, sex, disability, and age. In order to ensure VOCA-funded agencies fulfill the expectations of the Federal civil rights obligations all organizations that receive VOCA funding must complete the online civil rights training curriculum for recipients offered by the Office for Civil Rights . If awarded VOCA grant funding will the applicant agency complete the required training and comply with all applicable Federal statutes and regulations related to civil rights and nondiscrimination?

(Choose one from the drop-down menu below)

Yes

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Victims Served and Types of Services

Agency Name: City of Palm Bay Police Department

The number of victims indicated should include the number of new victims provided services by VOCA funded and matching staff during the grant period. The figures indicated should be based on historical data and/or the anticipated need of the population served through the VOCA project. If awarded funding, the applicant agency will be expected to fulfill these performance measures.

Recipients of VOCA funding are required to provide services to victims of Federal crimes and to provide assistance with the VOCA Crime Victim Compensation program.

VOCA Grant Request
(from the Budget Summary Page) \$65,259.65

# of Victims to be Served	Type of Victim \$65,259.65	\$ Amount per Category	% of Total Grant Amount	# of Other Types of Victims to be Served	For other types of crimes, identify and list each separately below.
75	Adult Physical Assault (Includes Aggravated and Simple Assault)	\$4,256.06	6.52%	35	Criminal Mischief
25	Adult Sexual Assault	\$1,418.69	2.17%	80	Battery/Simple & Aggravated Disturbance
0	Adults Sexually Abused/Assaulted as Children	\$0	0.00%	30	
0	Arson	\$0	0.00%	6	Shootings
0	Bullying (Verbal, Cyber or Physical)	\$0	0.00%	5	Suspicious Incidents
40	Burglary	\$2,269.90	3.48%	55	Theft (Includes MV)
40	Child Physical Abuse or Neglect	\$2,269.90	3.48%	60	Violation of Court Order
1	Child Pornography	\$56.75	0.09%	2	Attempted Murder
20	Child Sexual Abuse/Assault	\$1,134.95	1.74%	10	Lewd & Lascivious
550	Domestic and/or Family Violence	\$31,211.14	47.83%	0	
3	DUI/DWI Incidents	\$170.24	0.26%	0	
2	Elder Abuse or Neglect	\$113.50	0.17%	0	
0	Hate Crime: Racial/Religious/Gender/S exual Orientation/Other	\$0	0.00%	0	

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VOCA 2021-2022

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Grant No.: VOCA-2021-City of Palm Bay Police D-00265

Victims Served and Types of Services

	(Explanation Required)			
0	Human Trafficking: Labor	\$0	0.00%	0
0	Human Trafficking: Sex	\$0	0.00%	0
40	Identity Theft/Fraud/Financial Crime	\$2,269.90	3.48%	0
2	Kidnapping	\$113.50	0.17%	0
0	Mass Violence (Domestic/International)	\$0	0.00%	0
0	Other Vehicular Victimization (e.g., Hit and Run)	\$0	0.00%	0
25	Robbery	\$1,418.69	2.17%	0
40	Stalking/Harassment	\$2,269.90	3.48%	0
4	Survivors of Homicide Victims	\$226.99	0.35%	0
0	Teen Dating Victimization	\$0	0.00%	0
0	Terrorism (Domestic/International)	\$0	0.00%	0
Total Victims Served	1150	\$49,200.10	75.39%	283

Indicate the number of victims projected to receive the following services. In this section, only count a victim once, regardless of how many times the victim received a particular service. The total amount for any one service may not exceed the total number of victims projected to be served. See the VOCA Definitions for a description of each service.

# of Victims to be Served	Type of Service	# of Other Types of Services to be Provided	For other types of services, identify and list each separately below.
900	Information and Referral	0	
40	Personal Advocacy/Accompaniment	0	
400	Emotional Support or Safety Services	0	
0	Shelter/Housing Services	0	
300	Criminal/Civil Justice System Assistance	0	
40	Number of Victims Assisted with a Victim Compensation Application	0	
Total Services	1680	0	Subtotal of "Other" Services

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VOCA 2021-2022
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Required Documentation

Required Documentation:

Job Descriptions

A job description is required for all proposed VOCA-funded personnel and match personnel and must indicate the percentage of time allocated for each task totaling 100% of the job duties. Job descriptions must reflect VOCA allowable activities that are equal to or greater than the percentage of the position that is VOCA funded. Failure to provide VOCA allowable job descriptions may result in a reduction to your request.

Letters of Support

Attach three (3) current letters of support from **local community or government groups**. A current letter is one that is dated during the current calendar year. It is the responsibility of the applicant agency to ensure letters highlight the applicant agency's record of providing effective services to victims of crime (if applicable), demonstrates the writer's support as well as the community's support of the services that are requested as part of VOCA Grant project. Do not provide more than three letters. The following will not be accepted:

- *Letters from one individual that is not writing on behalf of a local community or government group
- *Letters from individuals or units within the applicant agency
- *Letters acknowledging conference or meeting participation
- *Letters that are similar in content

Documentation of the agency's 501(c) 3 ruling from the Internal Revenue Service

Provide documentation to document the nonprofit status of the applicant agency. This may include:

- *proof that the Internal Revenue Service recognizes the organization as being tax exempt under 501(c)(3) of the Internal Revenue Code;
- *a statement from a state taxing body or state secretary of state certifying that the organization is a nonprofit organization and that no part of the organization's net earnings may benefit any private shareholder or individual;
- *a certified copy of a certificate of incorporation or similar document establishing nonprofit status;
- *any of the above, if it applies to a state or national parent organization, with a statement by the state or national parent organization that the applicant is a local nonprofit affiliate

Current Listing of Agency's Board of Directors

Attach a current listing of all Board Members to include name, affiliation, and contact information (address, phone number).

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Required Documentation

Required Documentation Uploads

Name: VOCA 2021-2022 Serene Harbor Letter of Support	Type: Letters of Support
Name: VOCA 2021-2022 SAO Letter of Support	Type: Letters of Support
Name: City of Palm Bay Tax Exemption	Type: 501(c) 3
Name: TSADVP PBPD Letter of Support 2021	Type: Letters of Support
Name: Palm Bay Victim Advocate Job Description	Type: Job Descriptions
Name: Palm Bay Volunteer Victim Advocate Job Description	Type: Job Descriptions

OAG Only - Upload Section

Name:	Type:
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LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Joan Junkala-Brown, Community & Economic Development Director

DATE: 3/18/2021

RE: Consideration of a grant application to the Scotts Field Refurbishment Program.

Fred Poppe Regional Park is an expansive City recreational facility offering a wide range of amenities to residents, athletic teams, and visitors. While a popular recreational destination in the region, there remains unfunded repairs and improvements that could greatly improve the quality of the facility and the experience for athletes and visitors and serve as a draw for tourism.

The regional park has two existing baseball fields, which have significant drainage issues that limit usage of the field. The fields are in need of drainage improvements coupled with turf enhancement that would increase usage during the week and additional play during the weekends.

As part of the "Play Ball" initiative, Scotts Turf partners with Major League Baseball (MLB) to support youth and communities at-large to get outside and enjoy healthful, recreational activities through a baseball diamond and green space renovation grant program. Each year four communities are chosen through a competitive application process for a ballfield renovation. Funding offered by the grant program would provide the necessary improvements, significantly improving the condition and use of the baseball fields.

Staff is requesting authorization to submit a competitive grant application to the 2021 Scotts Field Refurbishment Program. There is no match required and the grant award will provide improvements valued up to \$50,000.00. Grant award announcements are anticipated to be made on June 3, 2021 with projected implementation to occur between June and September of 2021.

REQUESTING DEPARTMENT:

Community & Economic Development, Parks & Recreation

FISCAL IMPACT:

There is no fiscal impact. The City is not required to spend any funds and will not receive the grant funding to perform improvements. The grant award will cover the improvements to be made by the granting organization. There is no match for this grant.

RECOMMENDATION:

Motion to authorize the City to submit an application to the 2021 Scotts Field Refurbishment Grant Program.

ATTACHMENTS:**Description**

2021 Scotts Field Refurbishment Grant Application

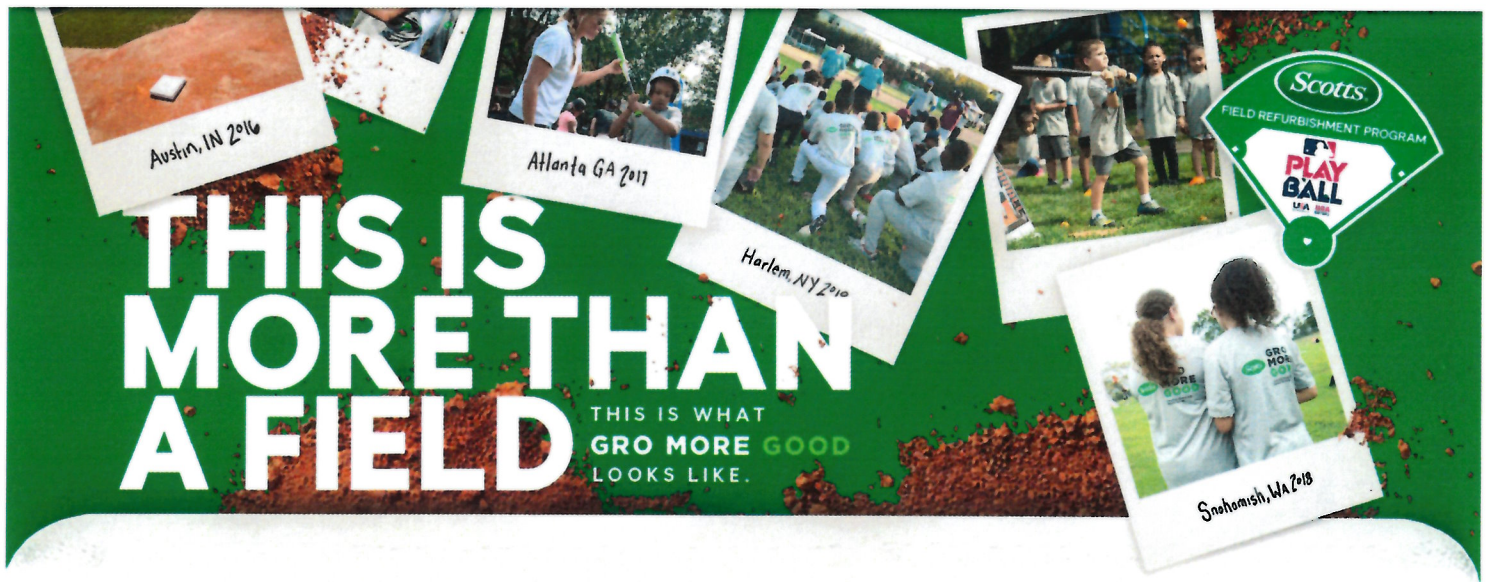


VIDEO

SCORES

STATS

STANDINGS



Scotts® Field Refurbishment Program 2021 Grant Application

In 2021, the Scotts® Field Refurbishment Program will provide grants of products and services, with a value up to \$50,000, to four youth-serving organizations that are in need of renovations to existing ballfields. In addition to the grant, Scotts will host special celebrations for the winning communities.

Applications will be accepted from February 24, 2021 – April 9, 2021, with project work to take place in the Summer of 2021. A blue ribbon panel of judges – including Ryan Howard, Jenine Finch, representatives from Scotts & MLB – will determine the final grantees.

Program Background

The Scotts® Field Refurbishment Program is a major diamond and green space renovation initiative that has provided 28 youth-focused baseball and softball fields across the country with significant upgrades. Scotts, the Official Lawn Care Company of Major League Baseball, enters its fifth season as an official partner of the "PLAY BALL" initiative. Together, MLB and Scotts are encouraging youth and communities to get outside and enjoy activities, like baseball and softball.

Grant Award Packages

Each refurbishment will include one (1) infield makeover that incorporates a new infield with sod and infield dirt. Other enhancements may include:

- New pitcher's mound
- New home plate and batter's boxes

- New bases and anchors

CRITERIA AND REQUIREMENTS

Grant applications will be evaluated on the following criteria:

- The ability of the grant to increase youth participation and improve the quality of youth baseball and softball programming
- The ability of the grant to enhance the lives of underserved children
- The ability of the grant to improve the local community
- The organization's ability to leverage the grant to generate more support for the field and programming

Application Requirements:

- Online application submission
- The following documents must be sent to **scottsflds@mlb.com no later than April 9, 2021 (11:59 p.m. ET)**, and will become part of the application packet.
 - Written confirmation of nonprofit or tax-exempt status from the appropriate governmental agency (e.g., IRS determination letter). Note that 501(c)(3) organizations and also tax-exempt organizations (i.e. municipalities, school districts) are eligible to apply.
 - List and description of key partnerships
 - A copy of your organization's previous fiscal year's organizational budget

Scotts® Field Refurbishment Program grant applications must follow the above format and include all specified information in the designated order. Incomplete applications will not be eligible for consideration. Applicants will be notified by e-mail as to the status of their proposal.

2021 Scotts® Field Refurbishment Program Calendar:

February 24, 2021 – April 9, 2021: Applications Accepted

April 10 – June 1, 2021: Grant Decisions

June 3, 2021: Grant Awards Announcement

June – September 2021: Project Implementation

CONTACT INFORMATION

Required*First Name *****Last Name *****Title *****Mobile Phone *****Birth Date ***

Month



Day



Year

**E-mail Address ***

- ☒ I would like to receive commercial e-mails from MLB.com and their partners.
- ☒ I would like to receive emails focused on brands marketed by Scotts® Miracle-Gro, its affiliates, and select partners, and related tips, information, and promotions.

ORGANIZATION INFORMATION

Name of Organization ***Address *****Address 2****City *****State *****Zip Code ***

Select a State



Federal Tax ID Number ***Phone Number *****Website address**

http://

Brief Description of Organization ***What geographical area do you serve? (e.g., neighborhoods, cities, counties)? *****Year Founded *****Are recent audited financial statements available? ***☐ Yes☐ No**Number of Key Staff *****Key Staff Qualifications ***

FIELD REFURBISHMENT REQUEST

Field Location (Full Address) ***Youth Leagues ***

Was your field newly built or renovated within the last seven years? *

☐ Yes

☐ No

Number of Youth Served (Current) *

Number of Youth Served (Projected) *

Description of Youth Served (e.g. demographics) *

250 words max

Brief description of specific enhancements needed for field renovations *

250 words max

What were some of the contributing factors that allowed this field to get in its current condition? *

250 words max

How will this grant increase the number of youth participants and improve the quality of baseball and/or softball programming? *

250 words max

How will you leverage this grant to gain more resources for programming? *

How will you leverage this grant to gain more resources for programming?

250 words max

Sustainability: Please provide details on the organization's plan for upkeep beyond the grant period. *

250 words max

How does this field help your community build a more united, powerful and vibrant future? *

250 words max

ADDITIONAL INFORMATION

The following documents must be sent to **scottsflds@mlb.com** no later than **April 9, 2021 (11:59 p.m. ET)**, and will become part of the application packet.

- Written confirmation of nonprofit or tax-exempt status from the appropriate governmental agency (e.g., IRS determination letter). Note that 501(c)(3) organizations and also tax-exempt organizations (i.e. municipalities, school districts) are eligible to apply.
- List and description of key partnerships
- A copy of your organization's previous fiscal year's organizational budget

Learn more about Scotts commitment to the Gro More Good initiative **here**.



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Submit



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Frank Watanabe, Public Works Director, City Engineer

DATE: 3/18/2021

RE: Consideration of utilizing General Fund to cover additional funding for three (3) locations in the Safe Routes to School (SRTS) project (\$18,421).

Public Works is requesting the approval of additional funding in the amount of \$18,421 for four (4) change orders (CO) for three locations for 18PW02 Safe Routes to School (SRTS) Project.

The City of Palm Bay was awarded Safe Routes to School (SRTS) federal funds from the Florida Department of Transportation Local Agency Program (FDOT LAP) for the design of sidewalks and surrounding crosswalks for five Elementary Schools - Port Malabar Elementary, Christa McAuliffe Elementary, Columbia Elementary, Discovery Elementary, and Jupiter Elementary. Council awarded the competitively solicited engineering contract to Infrastructure Engineers, Inc. (now called Consor Engineers, LLC) on June 7, 2018. The City through resolution entered into LAP agreements with FDOT for those designs on April 5, 2018 resolution 2018-10-14. LAP award amount covered 100% of the engineering award amount. Design was complete as of December 2019.

On April 9, 2020, Council approved the award of construction to Gregori Construction, Titusville, Florida, IFB 19-0-2020/SB- Safe Routes to School Sidewalk Construction in the amount of \$2,185,984.

Due to project field conditions and requirements to make all sidewalk areas and crossings ADA compliant within the project and unforeseen site conditions; change orders are required to make the project compliant to the requirements. Additional work directives are needed to be issued to the contractor for compliance. Some of the changes are not FDOT and Federal eligible for reimbursement; therefore, the City may provide additional funding to cover the expense that are not reimbursable to complete the project successfully and meet the ADA requirements in the agreement.

Currently, the SRTS Project #18PW02 has nine (9) change orders (CO) for a total of \$44,093 which is 2.2% of project cost. The change orders per location are as follows:

- Port Malabar Elementary School has three (3) change orders in the amount of \$13,194 due to unforeseen existing conditions that required additional material and labor to properly install the proposed drainage structure and connect to the existing pipe. Although the changes are 100% reimbursable, the project exceed the \$269,120 budget by \$10,946. Funding provided through Budget Transfer (BT) #24 on 02/09/2021.

- Columbia Elementary School has two (2) change orders with a total amount of \$12,477 to correct the existing crosswalk and ramp at San Filippo DR SE and Salina St SE and to correct the existing driveway and ramp on Waco Blvd. to ensure the locations are ADA compliant prior to pavement striping. All changes are 100% reimbursement excluding the \$1,500 for Maintenance of Traffic (MOT) cost. Funding provided through BT #24 on 02/09/2021.
- Christa Elementary School will require one (1) change order in the amount of \$2,483 due to a new driveway built after the design of the project and before construction started. The driveway requires corrections to ensure location is ADA compliant. All changes are 100% reimbursable pending the budget short fall.
- Jupiter Elementary School will require two (2) change orders in the amount of \$14,374 to correct multiple crosswalks throughout the project that are not ADA compliant. All changes are 100% reimbursable pending the budget short fall.
- Discovery Elementary School will require one (1) change order in the amount of \$1,564 to correct multiple crosswalks throughout the project that are not ADA compliant. All changes are 100% reimbursable pending the budget short fall.

In summary, Public Works is requesting \$18,421 from General Fund to fund 18PW02 SRTS Project for four (4) change orders at three (3) locations. Although these changes are 100% reimbursable by LAP, the projects are trending to exceed the budget due to unforeseen corrections required to be ADA complaint. Any amount over the budget per location is not reimbursable.

Below is a breakdown of the funding per location of the SRTS FDOT LAP agreement. The cost difference between the SRTS FDOT LAP funding and the construction award are allowed for change orders per project provided the changes are federal eligible expenses to be reimbursed. The cost difference for each project cannot be combined due to each location has a separate contract.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

The impact to General Fund for FY 21 for the four change orders at three locations totals \$18,421 and is as follows : Christa McAuliffe Elementary School \$2,483; Jupiter Elementary School \$14,374; and Discovery Elementary School \$1,564. Funds are available in General Fund Undesignated Fund Balance and will be transferred to the Road Maintenance CIP Fund 307-7090-541-6304 Project #18PW02.

RECOMMENDATION:

Motion to approve the utilization of General Fund Undesignated Fund Balance for four change orders at three locations for project 18PW02 Safe Routes to School (SRTS) Project.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Nelson Moya, Chief of Police

DATE: 3/18/2021

RE: Acknowledgment of concept paper and authorize submission of a grant application for the Speeding and Aggressive Driving Program through the Florida Department of Transportation.

On January 1, 2021, the Florida Department of Transportation (FDOT) State Safety Office opened their annual solicitation for concept paper subgrantees. The Florida Department of Transportation (FDOT) State Safety Office awards subgrants to traffic safety partners that undertake priority area programs and activities to improve traffic safety and reduce crashes, serious injuries, and fatalities. Subgrants may be awarded for assisting in addressing traffic safety deficiencies, expansion of an ongoing activity, or development of a new program.

Subgrants are awarded to state and local safety-related agencies as "seed" money to assist in the development and implementation of programs in traffic safety priority areas. Funding for these subgrants are apportioned to states annually from the National Highway Traffic Safety Administration (NHTSA) according to a formula based on population and road miles. Occasionally, additional funding may be available for projects in other program areas if there is documented evidence of an identified problem.

In compliance with the grant limitations, the City of Palm Bay will be submitting a program proposal to address speeding and aggressive driving throughout the city roadways in response to the City being categorized as 9th within the top 25 percent of cities in the state of Florida for traffic crash-related injury and fatalities. The proposal includes a request for grant funds in the amount of \$50,000. If awarded, this grant will provide necessary upgrades to aging speed detecting equipment and traffic data collection devices and software and support a yearlong targeted enforcement overtime detail throughout the city. The City anticipates notification of award by September 2021 with the program start in the City's fiscal year 2022.

REQUESTING DEPARTMENT:
Police Department

FISCAL IMPACT:

The grant proposal includes \$25,000 for personnel expenditures (overtime salary and benefits), \$5,000 for community awareness campaign, and \$20,000 for equipment purchases (radar lasers and traffic data collector) for a total request of \$50,000. The City will be required to fund the program upfront and seek reimbursement

from the grant; however, no matching funds are required. The only fiscal impact is potential revenue of \$50,000 for the requested program.

RECOMMENDATION:

Motion to acknowledge the Concept Paper grant proposal and authorize the City to submit a grant application to the Florida Department of Transportation (FDOT) State Safety Office Speeding and Aggressive Driving program.

ATTACHMENTS:

Description

FDOT Know Your Limits Aggressive Driving and Speeding Initiative Application



PALM BAY POLICE DEPARTMENT

130 MALABAR ROAD SE
PALM BAY FL, 32907
(321) 952-3456



February 8, 2021

Mr. Chris Craig
Florida Department of Transportation Safety Office
MS #53, 605 Suwanee St
Tallahassee, FL 32399-0450

Mr. Craig,

I am writing to confirm that I am aware of and approve the Concept Paper being submitted by my agency for review for 2022 Speed and Aggressive Driving. I believe that the data provided will prove that we have a traffic safety need and have provided a proposed solution and budget for funding that will ultimately reduce traffic fatalities and save lives. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nelson Moya".

Nelson Moya
Chief of Police, Palm Bay Police Department

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
HIGHWAY SAFETY CONCEPT PAPER
Concept Paper Summary

Applicant Information

Applicant Agency: Palm Bay Police Department
Implementing Agency: Palm Bay Police Department
Concept Paper Title: "Know Your Limits" Aggressive Driving and Speeding Initiative
Priority Area for Concept Paper: Speed/Aggressive Driving
Amount Requested: \$50,000.00
Type of Project: Local
Type of Request: Initial
Previous Year's Project Number (if Continuation):

Head of Agency

Name:	Nelson Moya	State:	Florida
Title:	Chief of Police	Zip:	32907
Address 1:	130 Malabar Rd SE	Phone:	(321) 952-3456
Address 2:		Extension:	
City:	Palm Bay	Email:	nelson.moya@palmbayflorida.org

Project Contact

Name:	Jeffery Spears	State:	Florida
Title:	Lieutenant	Zip:	32907
Address 1:	130 Malabar Rd SE	Phone:	(321) 952-3456
Address 2:		Extension:	
City:	Palm Bay	Email:	jeffery.spears@palmbayflorida.org

Statement of the Problem:

The City of Palm Bay is in southern Brevard County, over the past few years, we have seen the rate of traffic crashes increase steadily. The City of Palm Bay is rapidly expanding with the addition of the St. Johns Heritage Parkway and our city's 3rd I-95 interchange connection aiding in expanding to the west and developing the southernmost areas of the city. The city is predominately residential and, as a result, our corridor roadways are consistently congested. Often, people are rushing to get to and from work or home, and they resort to unnecessary speeding and aggressive driving behavior.

This increase is evident in the number of traffic citations and traffic crash investigations done by the Palm Bay Police Department.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
HIGHWAY SAFETY CONCEPT PAPER
Concept Paper Summary

According to the 2016 Strategic Highway Safety Plan, between 2011 and 2015, 12,665 people died on Florida roadways and, an additional 102,759 people were seriously injured. Chances of dying in a crash doubles for every 10 miles per hour (mph) a car travels above 50 mph. Speeding reduces the time a driver must react to a dangerous situation and increases the impact of energy and risk of death in the event of a crash. According to the National Safety Council, if a car is traveling at 30 mph and accelerates to 60 mph, the amount of energy upon impact is four times greater. The City of Palm Bay is ranked in the top 25% of the Group 1 criteria (populations of 75,000+) of the FY2021 Highway Safety Matrix for Florida Cities for Speeding or Aggressive Driving of which we are currently ranked #9.

The City of Palm Bay is trending 2,863 traffic accidents, 753 crashes with injuries, 10 traffic fatalities on average over the past 3 years which are a combination of speeding, aggressive driving behavior, and distracted driving. Due to staffing shortages and budget constraints, this grant will assist in purchasing the necessary equipment to replace outdated and failing equipment, allow increase targeted enforcement with overtime off-duty details, and allow the production of educational materials. It is the agency's goal to increase safety awareness through enforcement and education and reduce traffic-related injuries and fatalities overall.

Supporting Data:

Traffic Data 2017-2019			
	Crashes	Crashes w/ Injury	Traffic Fatalities
2019	2857	749	10
2018	2842	773	12
2017	2890	738	9
	Citations (Including DUI)	Speeding Citations	Reckless Driving Citations
2019	4241	926	38
2018	4559	1258	21
2017	3942	824	22

Proposed Solution:

Our solution to the problem stated before is to aim at reducing traffic crashes with injuries and traffic fatalities by implementing a series of enforcement campaigns. The Palm Bay Police Department will utilize available resources to conduct high-visibility, zero-tolerance enforcement operations in locations determined by the Project Director through traffic data collection measures, as having a high frequency of traffic crashes, speeding problems, and fatalities to supplement existing traffic operations. The Project Coordinator will also collect and retain this data quarterly to report to the FDOT Safety Office on the campaign's successes in reducing speeding and reckless/aggressive driving.

The existing speed display trailer will be utilized to discourage drivers from speeding and will be placed in areas with a high crash rate. The requested traffic data collector will be strategically placed in areas where there is a known speeding issue to gauge at what times the excessive speeding occurs to better target those times for high-visibility enforcement. Lastly, the requested speed measuring equipment will be utilized along with existing speed measuring devices to facilitate high visibility enforcement in the targeted areas.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
HIGHWAY SAFETY CONCEPT PAPER
Concept Paper Summary

The educational component of the campaign will consist of a series of Facebook and other social media posts regarding the purpose and goals of the campaign and how it will affect the community. We will also be working with a video production company that will help create educational videos for the public on the dangers of speeding and aggressive driving. The Project Director will coordinate the enforcement campaign along with the community educational messages to encourage feedback from the public on the impact of the campaign and any comments they may have to better serve the community through social media engagements and online surveys.

The Program Director will be responsible for the allocation of personnel to achieve the greatest impact on speeding and aggressive driving within our jurisdictional limits. The Project Director will coordinate these enforcement and educational campaigns at least twice a month and ensure daytime/nighttime enforcement is alternated from week to week. This will prevent motorists from predicting times and locations of enforcement activities to adjust their driving behaviors to only those of known enforcement periods. Also, the Project Director will ensure that funds from this program are used prudently and conservatively to ensure that the funds will extend the entire grant cycle. Every officer that performs under this grant will complete any mandated training and will complete the FDOT Safety Office Daily Activity Log for each day of enforcement during the grant cycle. Those logs will be submitted and maintained by the Project Coordinator, who will ensure that copies are attached to each reimbursement invoice.

Sustainability:

The City of Palm Bay Police Department's newly reinstated Traffic Unit plans to continue speed and reckless/aggressive driving enforcement after the grant period. The Traffic Unit routinely targets high crash curves and intersections and city corridors to conduct high visibility traffic enforcement. The Traffic Unit utilizes social media and a speed display trailer to deter/alert citizens of enforcement areas.

The agency plans to maintain a full-time Traffic Unit which has established a strong relationship with the citizens of Palm Bay. It is the sole responsibility of the Traffic Unit to ensure all traffic laws and city ordinances are followed by commuters. The Traffic Unit will continue to make traffic safety its top priority.

Project Objectives:

1. Educate all PBPD officers participating in the campaign on aggressive driving focusing on areas of concern within the city, enforcement options, and educating the public.
2. Increase public awareness on the dangers of speeding and aggressive driving through message boards, PSA videos, and social media.
3. Reduce the number of crashes, crashes with injuries, and traffic fatalities within the city by 5% compared to the previous three-year averages.
4. Increase the number of enforcement contacts (citations and warnings) using the solutions listed above by 10%.

Evaluation:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
HIGHWAY SAFETY CONCEPT PAPER
Concept Paper Summary

The Palm Bay Police Department will utilize a combination of program evaluations outlines by the FDOT Safety Office to evaluate the overall success of the program. Initially, the Traffic Unit will use the formative approach and target location were speeding/aggressive driving with high visibility saturation enforcement. This will be done by using crash and traffic collection data at or near major intersections and city arteries where speeding is evident from continuing enforcement.

The agency will be continuously recording traffic contacts during the campaign which will assist in conducting the process evaluation where statistical data including ongoing crash data, saturation data, and citation data will drive where, when, and how to conduct enforcement in a particular area. The overall success of the program will be determined during an outcome evaluation that will consider whether the program goals changed citizen driving behaviors therefore reducing injury, crashes, and fatalities in the City of Palm Bay.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
HIGHWAY SAFETY CONCEPT PAPER
Concept Paper Budget

BUDGET CATEGORY	NARRATIVE:	FEDERAL FUNDS	MATCH	TOTAL	INDIRECT ELIGIBILITY
A. Personnel Services					
Overtime Salary and Benefits		\$25,000		\$25,000	
Subtotal		\$25,000	\$0	\$25,000	
B. Contractual Services					
Community Awareness Content Creation	Working with a local production company to create program awareness content to deliver to the public through social media.	\$5,000		\$5,000	
Subtotal		\$5,000	\$0	\$5,000	
C. Expenses - Any purchase with a per item unit cost of \$200 or more from any line item within this Category, excluding software, must have FDOT State Safety Office written approval, prior to purchase.					
Subtotal		\$0	\$0	\$0	
D. Equipment Costing \$5,000 or More					
Radar Lasers and Traffic Data Collector	Update and replace outdated and ineffective equipment for speed measurement and the purchase of a traffic data collector to better monitor targeted areas.	\$20,000		\$20,000	
Subtotal		\$20,000	\$0	\$20,000	
E. Indirect Cost					
0%		\$0		\$0	
Subtotal		\$0		\$0	
Total Cost of Project		\$50,000	\$0	\$50,000	



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Ruth Chapman, Acting Finance Director

DATE: 3/18/2021

RE: Acknowledgement of the City's monthly financial report for January 2021.

Attached for your information is the monthly financial report which provides an overview of the City's financial activities for January 2021. January is the fourth month of the fiscal year and represents 33% of the annual budget year.

Citywide cash and investments increased by \$12.1 million or 6.5% in comparison to the prior year. A decrease in Citywide revenues is due to lower year-to-date refunding revenue received in FY 21 compared to almost \$52 million received in FY 20 from the Taxable Special Obligation Refunding Bonds, Series 2019, during the same period.

The General Fund is the City's primary operating fund. General Fund revenues received through January were \$40.1 million and are 49.3% of the annual budget. General Fund expenditures thru the end of January were \$24.1 million and are 29.6% of the annual budget. General Fund total cash & investments on January 31, 2021 was \$40.0 million, \$4.8 million or 13.7 percent higher than one year ago.

General Fund revenues collected thru January 31, 2021, overall were 7.9 percent higher than the revenues collected during the same period last year. The overall increase was mainly attributable to an increase in revenue collections from Ad Valorem Taxes compared to the same period last year.

General Fund expenditures thru January 31, 2021, overall were 7.3 percent higher than expenditures incurred during the same period last year.

Reimbursement due to General Fund from the Community Development Block Grant in the amount of \$551,668, primarily for expenditures incurred in the prior fiscal year, remained unreimbursed from the CDBG grant.

Pages 13 through 15, provides a summary of all funds' budget, revenues and expenditures posted for January 31, 2021. A new Fund, 2021 General Obligation Bonds-Road Fund, was established in January 2021. The budget for the new fund is being appropriated on the next scheduled Budget Amendment for FY21.

REQUESTING DEPARTMENT:

Finance

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to acknowledge receipt of the January 2021 Financial Report.

ATTACHMENTS:

Description

January 31, 2021 Financial Report



MONTHLY FINANCIAL REPORT (UNAUDITED)

JANUARY 2021

City of Palm Bay, Florida

Report Summary



Financial Report Summary	Page 1
General Fund	
➤ Year-to-Date Revenue	Page 2
➤ Year-to-Date Expenditures	Page 3
➤ Cash & Investments	Page 4
➤ Operating Statement & Change in Fund Balance	Page 5
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Impact Fee Funds	
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Financial Activity by Fund	
➤ General Fund, Special Revenue Funds, and Impact Fee Funds	Page 13
➤ Debt Service Funds and Capital Projects Funds	Page 14
➤ Enterprise Funds and Internal Service Funds	Page 15

MONTHLY FINANCIAL REPORT (UNAUDITED)

JANUARY 2021

CITY OF PALM BAY, FLORIDA



The City of Palm Bay, Florida's (the "City") monthly financial report presents an overview and analysis of the City's financial activities during the month of January 2021. January is the fourth month of the fiscal year and represents 33% of the annual budget.

Financial Report Summary

- Citywide revenues¹ of \$87.7 million are at 24.7% of the annual budget. Citywide expenditures¹ of \$62.4 million are at 17.6% of the annual budget. Traditionally revenue collections are two months in arrears. For this reason, certain revenues for grants and other governmental resources are accrued at year end to reflect the period in which it represents.
- Citywide cash and investments increased by \$12.1 million, or 6.5%, in comparison to the prior year.
- Most of the decreased citywide revenues were a result of \$52 million received in December 2019 from the Taxable Special Obligation Refunding Bonds, Series 2019.

Citywide - Cash & Investments ¹		Citywide - Revenues ¹		Citywide - Expenditures ¹	
1/31/2021	\$ 198,473,746.35	1/31/2021	\$ 87,659,254.99	1/31/2021	\$ 62,423,927.25
1/31/2020	186,368,035.01	1/31/2020	135,640,172.45	1/31/2020	62,658,583.65
Increase	6.5% \$ 12,105,711.34	Decrease	-35.4% \$ (47,980,917.46)	Decrease	-0.4% \$ (234,656.40)

¹ Not including Cash, Revenues, or Expenditures from PB Municipal Foundation.

- General Fund revenues of \$40.1 million are at 49.3% of the annual budget. This is an increase of \$2.9 million, or 7.9%, in comparison to the prior year.
- General Fund expenditures of \$24.1 million are at 29.6% of the annual budget. This is an increase of \$1.65 million, or 7.3%, in comparison to the prior year.
- General Fund cash and investments increased by \$4.8 million, or 13.7%, in comparison to the prior year. Of this increased General Fund cash, \$800,000 is reserved.

General Fund - Cash & Investments		General Fund - Revenues		General Fund - Expenditures	
1/31/2021	\$ 39,965,902.91	1/31/2021	\$ 40,094,687.33	1/31/2021	\$ 24,077,808.64
1/31/2020	35,162,286.83	1/31/2020	37,169,968.84	1/31/2020	22,432,338.69
Increase	13.7% \$ 4,803,616.08	Increase	7.9% \$ 2,924,718.49	Increase	7.3% \$ 1,645,469.95

The General Fund is the City's primary operating fund and is used to account for all resources except those that are required to be accounted for in another fund.

This report contains unaudited information. If you have any questions or comments on the financial reports, please contact Yvonne McDonald, Finance Director or Ruth Chapman, Assistant Finance Director.

City Website: <http://www.palmbayflorida.org/>
Finance Website: www.palmbayflorida.org/finance

MONTHLY FINANCIAL REPORT (UNAUDITED)**JANUARY 2021**

CITY OF PALM BAY, FLORIDA

**General Fund (GF) Revenues - Summary**➤ **FY 2021 YTD Revenue Variance**

As Compared to Prior Year

	Prior YTD	Current YTD	% Variance	Annual Budget
Ad Valorem Taxes (1)	\$ 28,124,300	\$ 30,927,413	10.0%	\$ 35,353,784
Local Option Fuel Tax (2)	231,851	409,982	76.8%	3,842,728
Utility Service Taxes	1,785,021	1,951,548	9.3%	8,920,500
Communication Service Tax	438,980	445,796	1.6%	2,454,678
Franchise Fees	1,011,467	1,022,556	1.1%	5,936,200
State Shared Revenues (3)	771,629	689,601	-10.6%	4,403,034
Half Cent Sales Tax	1,118,636	1,124,044	0.5%	6,511,107
Licenses and Permits	547,973	501,406	-8.5%	692,810
Grants and Other Entitlements (4)	336,351	107,707	-68.0%	484,133
Charges for Services (5)	1,504,945	1,719,578	14.3%	5,072,376
Fines and Forfeitures (6)	160,175	202,771	26.6%	437,600
Interest, Rents & Other Revenues (7)	197,551	374,495	89.6%	1,206,817
Interfund Transfers & Other Sources (8)	941,089	617,792	-34.4%	1,784,529
Fund Balance	-	-	0.0%	4,286,938
	\$ 37,169,969	\$ 40,094,687	7.9%	\$ 81,387,234

(1) Increase due to higher year-to-date collections of Ad Valorem Taxes in FY21.

(2) Increase primarily due to higher year-to-date collections of Local Option Fuel Taxes in FY21.

(3) Decrease primarily due to lower year-to-date collections of State Shared Revenues in FY21.

(4) Decrease primarily due to receipt of \$236,165 from County in FY20.

(5) Increase primarily due to higher year-to-date Engineering Plan Fees and new budgeted allocations from Risk and Fleet to General Fund in FY21.

(6) Increase primarily due to higher year-to-date collections of Code Compliance Fines in FY21.

(7) Increase primarily due to receipt of ICMA Applied Forfeitures in FY21.

(8) Decrease primarily due to lower year-to-date interfund transfers and sales proceeds received in General Fund in FY21.

MONTHLY FINANCIAL REPORT (UNAUDITED)
JANUARY 2021
CITY OF PALM BAY, FLORIDA



General Fund (GF) Expenditures - Summary

➤ **FY 2021 YTD Expenditure Variance**
As Compared to Prior Year

	Prior YTD	Current YTD	% Variance	Annual Budget
Legislative (1)	\$ 326,342	\$ 249,239	-23.6%	\$ 916,864
City Manager (2)	274,305	133,734	-51.2%	570,497
City Attorney	75,130	69,188	-7.9%	521,928
Procurement	175,386	170,084	-3.0%	663,138
Finance	516,635	506,652	-1.9%	1,737,997
Information Technology (3)	850,263	755,276	-11.2%	3,331,018
Human Resources (4)	223,321	176,038	-21.2%	617,124
Growth Management	482,668	484,274	0.3%	1,805,634
Economic Development (5)	133,031	309,247	132.5%	1,320,129
Parks and Recreation	1,329,187	1,371,678	3.2%	6,017,967
Facilities	795,270	750,719	-5.6%	2,737,393
Police	6,844,382	6,684,590	-2.3%	23,228,594
Fire	5,220,244	5,306,332	1.6%	16,471,384
Public Works (6)	1,616,174	1,791,683	10.9%	7,160,178
Non-Departmental	1,708,270	1,723,210	0.9%	4,993,824
Transfers (7)	1,861,732	3,595,864	93.1%	9,293,565
	\$ 22,432,339	\$ 24,077,809	7.3%	\$ 81,387,234

(1) Decrease primarily due to decreased year-to-date election expenses in FY21.

(2) Decrease primarily due to Public Information Division moved from City Manager's Office as of October 2020.

(3) Decrease primarily due to lower year-to-date costs for computer hardware and repair and maintenance services in FY21.

(4) Decrease primarily due lower year-to-date costs resulting from a vacant position in FY21.

(5) Increase primarily due to higher year-to date personnel costs because of Housing and Communications Divisions added in FY21.

(6) Increase primarily due to higher year-to-date personnel costs in Row Beautification and operating costs in P.W. administration, infrastructure, and traffic operations in FY21.

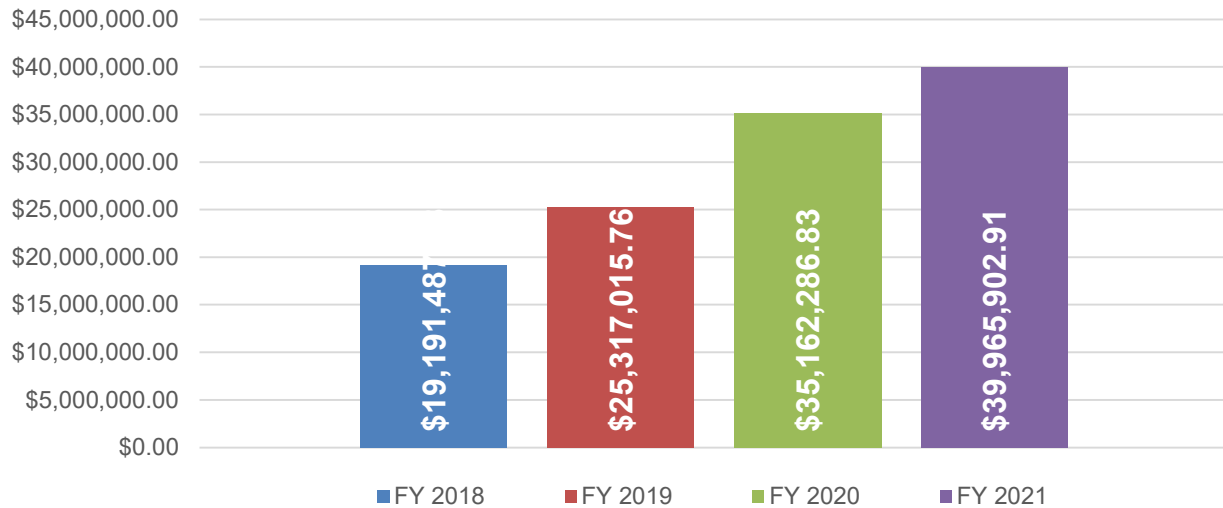
(7) Increase primarily due to higher year-to-date budgeted expenditures to Fleet and Community Investment Fund in FY21.

	YTD Actual	YTD Budget	Annual Budget	% Spent
Debt Service	\$ 1,961,963.48	\$ 2,135,904	\$ 6,407,713	30.6%
Personnel	16,432,524.91	18,219,191	54,657,574	30.1%
Operating	3,836,609.33	5,019,335	15,058,004	25.5%
Capital	212,809.92	792,697	2,378,091	8.9%
Contributions	-	-	-	0.0%
Transfers	1,633,901.00	961,951	2,885,852	56.6%
Reserves	-	-	-	0.0%
	\$ 24,077,808.64	\$ 27,129,078	\$ 81,387,234	29.6%

The total budgeted expenditures for 2021 are \$81,387,234 (including encumbrances from prior year and budget amendments). Of this amount, \$54,657,574, or 67.2%, is related to personnel costs.

General Fund (GF) Cash & Investments - Summary

➤ Year-to-Date (YTD) Cash & Investments Comparisons



General Fund Cash & Investments		General Fund Cash & Investments	
Prior Month Ending Balance	\$ 43,011,706.89	January 2021 Ending Balance	\$ 39,965,902.91
Cash Increase (Decrease)	(3,045,803.98)	Cash Advanced to Other Funds:	
		CDBG	(551,667.55)
Ending Balance 1/31/2021	\$ 39,965,902.91	Total Available Cash & Investments	\$ 39,414,235.36

General Fund (GF) Balance - Summary

CITY OF PALM BAY, FLORIDA
OPERATING STATEMENT AND CHANGES IN FUND BALANCES
GENERAL FUND
For the Month Ended January 31, 2021

	Prior YTD	Current YTD
<u>REVENUES</u>		
Ad Valorem Taxes	\$ 28,124,300	\$ 30,927,413
Local Option Fuel Tax	231,851	409,982
Utility Service Taxes	1,785,021	1,951,548
Communication Service Tax	438,980	445,796
Franchise Fees	1,011,467	1,022,556
State Shared Revenues	771,629	689,601
Half Cent Sales Tax	1,118,636	1,124,044
Licenses and Permits	547,973	501,406
Grants and Other Entitlements	336,351	107,707
Charges for Services	1,504,945	1,719,578
Fines and Forfeitures	160,175	202,771
Interest, Rents and Other Revenues	197,551	374,495
Interfund Transfers and Other Sources	941,089	617,792
Total Revenues	37,169,969	40,094,687
<u>EXPENDITURES</u>		
Legislative	326,342	249,239
City Manager	274,305	133,734
City Attorney	75,130	69,188
Procurement	175,386	170,084
Finance	516,635	506,652
Information Technology	850,263	755,276
Human Resources	223,321	176,038
Growth Management	482,668	484,274
Economic Development	133,031	309,247
Parks and Recreation	1,329,187	1,371,678
Facilities	795,270	750,719
Police	6,844,382	6,684,590
Fire	5,220,244	5,306,332
Public Works	1,616,174	1,791,683
Non-Departmental	1,708,270	1,723,210
Transfers	1,861,732	3,595,864
Total Expenditures	22,432,339	24,077,809
Excess (Deficiency) of Revenues Over Expenditures	14,737,630	16,016,879
Fund Balance - Beginning	19,098,786	21,271,309
Fund Balance - Ending	\$ 33,836,417	37,288,188

MONTHLY FINANCIAL REPORT (UNAUDITED)**JANUARY 2021**

CITY OF PALM BAY, FLORIDA

**General Fund (GF) Balance - Summary**

The minimum General Fund unrestricted fund balance, as established by Resolution 2021-03, is two months of regular budgetary General Fund operating expenditures. The following is a history of the City's General Fund unrestricted fund balance.

General Fund Balance - History			
	Minimum Required	Unrestricted Fund Balance	Fund Balance Percentage
FY 2020*	\$ 6,758,163	\$ 20,389,127	30.2%
FY 2019	\$ 6,784,007	\$ 18,205,817	26.8%
FY 2018	6,478,266	14,940,492	23.1%
FY 2017	6,107,113	8,610,875	14.1%
FY 2016	5,594,175	9,135,580	16.3%
FY 2015	5,311,438	8,236,016	15.5%

*Unaudited as of publication date

MONTHLY FINANCIAL REPORT (UNAUDITED)

JANUARY 2021

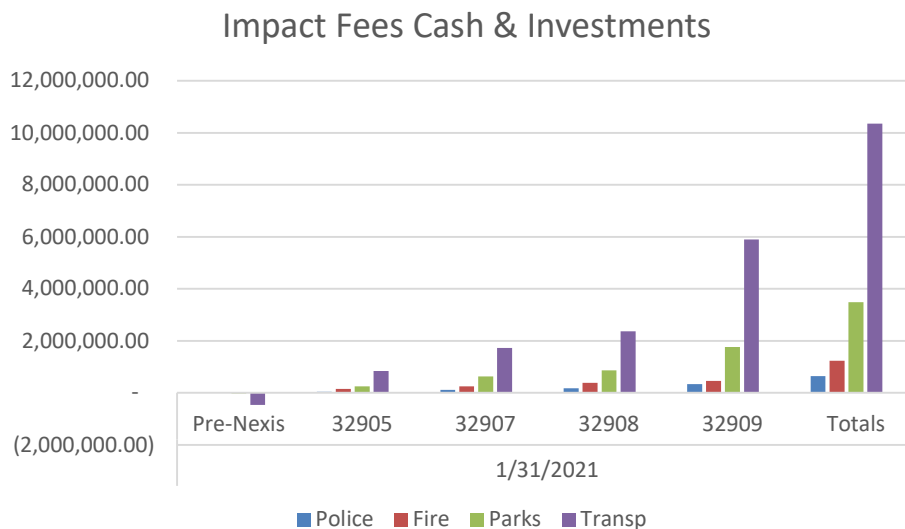
CITY OF PALM BAY, FLORIDA



Impact Fees by Nexus Zone - Cash & Investments – Summary*

		Zone 1	Zone 2	Zone 3	Zone 4	
	Pre-Nexis	32905	32907	32908	32909	Totals
Police	-	34,263.28	107,726.31	166,530.97	326,949.72	635,470.28
Fire	-	141,958.49	239,938.49	383,267.62	461,226.28	1,226,390.88
Parks	(21,033.97)	245,859.04	621,964.96	866,477.47	1,764,265.43	3,477,532.93
Transp	(470,305.45)	830,994.10	1,727,803.33	2,367,522.16	5,900,199.92	10,356,214.06
Totals	(491,339.42)	1,253,074.91	2,697,433.09	3,783,798.22	8,452,641.35	15,695,608.15

*Not including Transportation Impact Fees Zone 32909 amount of \$893,815.28 Special Purpose Deposits / Bayside Estates or \$71,824.50 segregated amount per I.L.A. with Brevard County.



MONTHLY FINANCIAL REPORT (UNAUDITED)

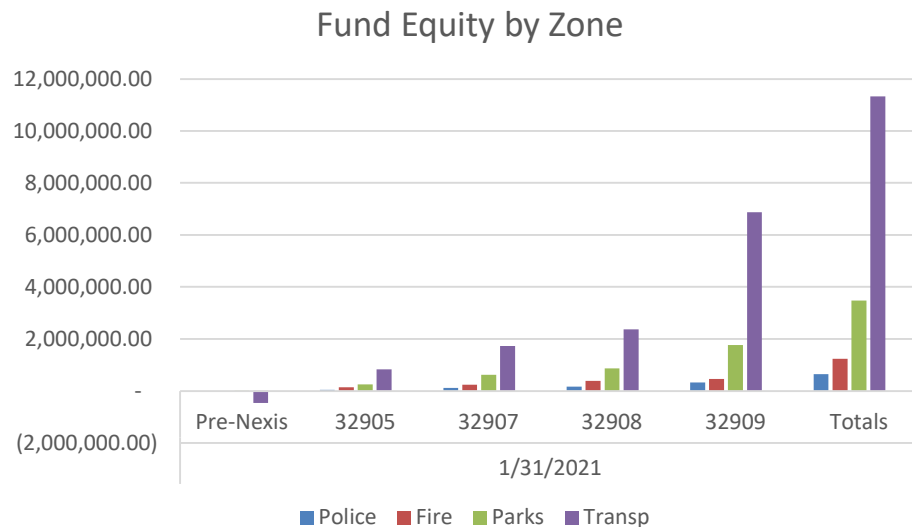
JANUARY 2021

CITY OF PALM BAY, FLORIDA



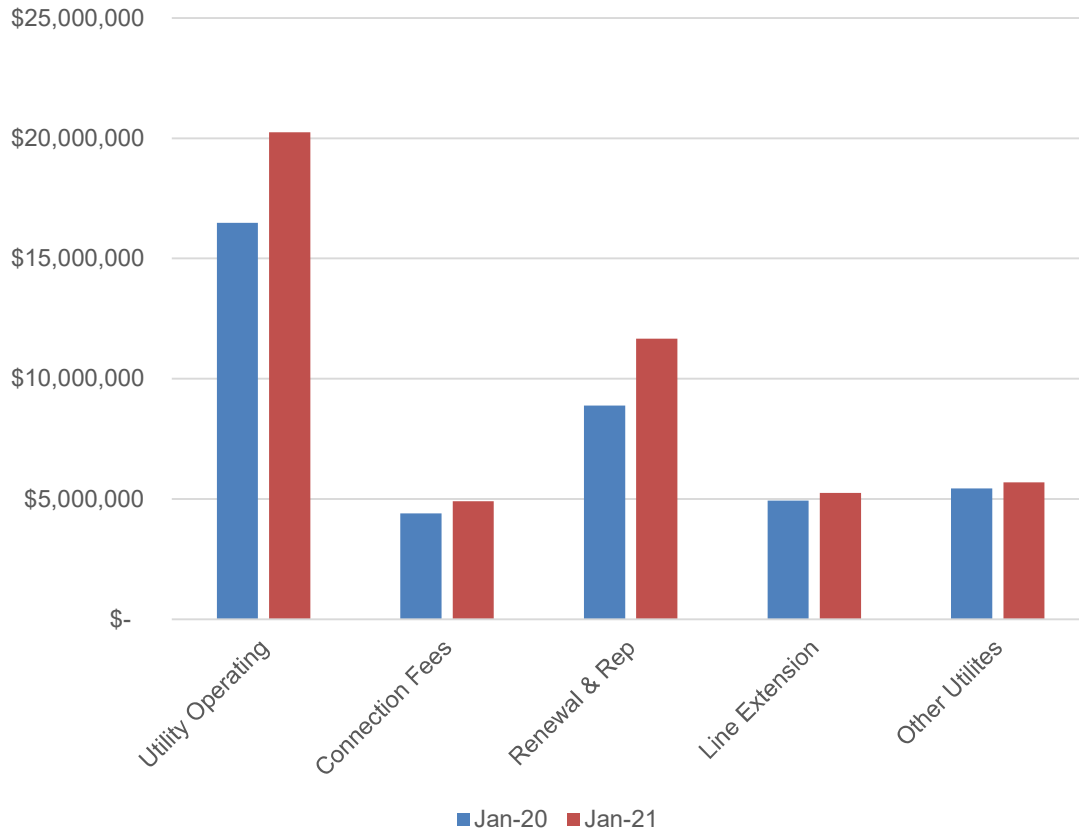
Impact Fees by Nexus Zone – Fund Balance - Summary

	Pre-Nexus	32905	32907	32908	32909	Totals
Police	-	34,263.28	107,726.31	166,530.97	326,949.72	635,470.28
Fire	-	141,958.49	239,938.49	383,267.62	461,226.28	1,226,390.88
Parks	(21,033.97)	245,859.04	621,964.96	866,477.47	1,764,265.43	3,477,532.93
Transp	(470,305.45)	830,994.10	1,727,803.33	2,367,522.16	6,868,869.80	11,324,883.94
Totals	(491,339.42)	1,253,074.91	2,697,433.09	3,783,798.22	9,421,311.23	16,664,278.03



Utilities Fund Cash & Investments - Summary

Year-to-Date (YTD) Comparison: Water & Sewer



Overall, the Water & Sewer Funds cash and investments were \$7.61 million, or 19.0%, more as of January 2021 as compared to January 2020.

Stormwater Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

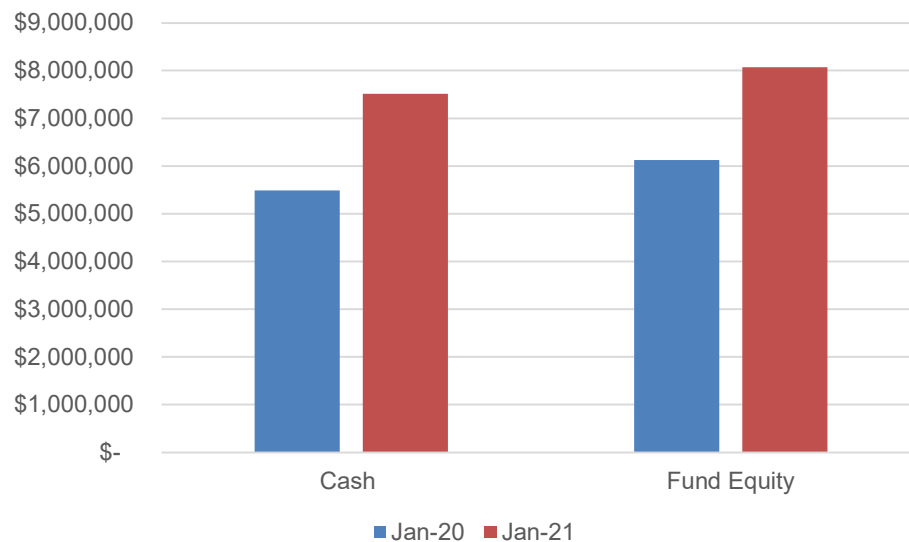


Overall, the Stormwater cash and investments were \$3,119,749, or 28.4%, less as of January 2021 as compared to January 2020.

Overall, the Stormwater fund equity was \$964,592, or 7.0%, more as of January 2021 as compared to January 2020.

Building Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

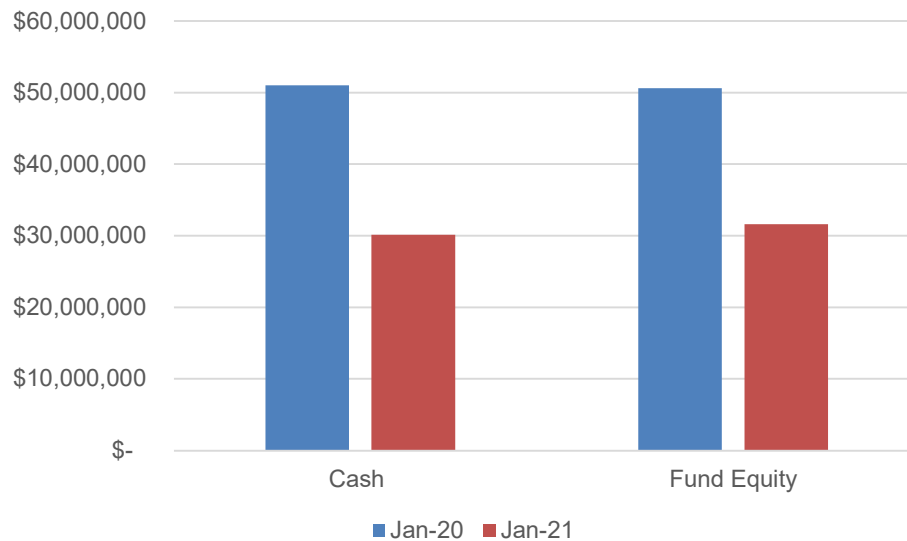


Overall, the Building cash and investments were \$2,022,590, or 36.8%, more as of January 2021 as compared to January 2020.

Overall, the Building fund equity was \$1,944,824, or 31.7%, more as of January 2021 as compared to January 2020.

General Obligation Road Program Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity



The 2019 General Obligation Road Program cash and investment balance was \$30,117,066 as of January 2021, or 41.0% less than at January 2020.

The 2019 G.O. Road Program Fund equity was \$31,612,511 as of January 2021, or 37.6% less than January 2020.

MONTHLY FINANCIAL REPORT (UNAUDITED)**JANUARY 2021**

CITY OF PALM BAY, FLORIDA

**Unaudited Financial Activity - All Funds****City of Palm Bay, Florida****As of January 31, 2021****33% of fiscal year completed**

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
General Fund							
001	General Fund	\$75,291,296	\$81,387,234	\$40,094,687	49.3%	\$24,077,809	29.6%
Special Revenue Funds							
101	Law Enforcement Trust Fund	5,000	66,779	1,691	2.5%	56,382	84.4%
103	Palm Bay Municipal Foundation	30,000	30,000	0	0.0%	232	0.8%
105	Code Nuisance Fund	239,000	239,000	95,759	40.1%	50,128	21.0%
111	State Housing Grant Fund	4,500	741,433	5,561	0.7%	137,776	18.6%
112	Comm Devel Block Grant Fund	155,745	803,521	295	0.0%	142,878	17.8%
114	Home Invest Grant Fund	20,395	189,248	77,348	40.9%	58,302	30.8%
123	NSP Program Fund	0	7,072	0	0.0%	1,490	21.1%
124	Coronavirus Relief Tr. Fund	0	233,094	225,515	96.7%	351,416	150.8%
131	Donations Fund	0	280	10,487	3745.2%	6,120	2185.7%
161	Environmental Fee Fund	72,000	72,000	69,725	96.8%	0	0.0%
181	Bayfront Comm Redev Fund	1,410,370	1,413,771	1,466,895	103.8%	1,455	0.1%
Impact Fee Funds							
180	Police Impact Fees - 32905	25,000	25,000	8,642	34.6%	17	0.1%
183	Police Impact Fees - 32907	30,000	82,541	39,534	47.9%	49	0.1%
184	Police Impact Fees - 32908	40,000	92,541	64,019	69.2%	75	0.1%
186	Police Impact Fees - 32909	60,000	270,164	89,364	33.1%	159	0.1%
187	Fire Impact Fees - 32905	80,400	86,651	13,510	15.6%	82	0.1%
188	Fire Impact Fees - 32907	60,700	69,094	61,617	89.2%	103	0.1%
189	Fire Impact Fees - 32908	60,800	60,800	99,782	164.1%	173	0.3%
190	Fire Impact Fees - 32909	141,600	504,252	139,182	27.6%	102,373	20.3%
191	Parks Impact Fees - 32905	180,400	347,838	23,512	6.8%	146	0.0%
192	Parks Impact Fees - 32907	182,500	992,698	117,222	11.8%	2,608	0.3%
193	Parks Impact Fees - 32908	163,000	625,637	210,862	33.7%	327	0.1%
194	Parks Impact Fees - 32909	507,000	507,000	291,892	57.6%	798	0.2%
196	Trans Impact Fees - 32905	112,500	112,500	78,128	69.4%	505	0.4%
197	Trans Impact Fees - 32907	701,200	1,082,787	431,516	39.9%	350	0.0%
198	Trans Impact Fees - 32908	703,000	703,000	700,288	99.6%	960	0.1%
199	Trans Impact Fees - 32909	2,442,000	2,490,548	962,970	38.7%	996,574	40.0%

MONTHLY FINANCIAL REPORT (UNAUDITED)
JANUARY 2021
CITY OF PALM BAY, FLORIDA



Unaudited Financial Activity - All Funds
City of Palm Bay, Florida
As of January 31, 2021
33% of fiscal year completed

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
Debt Service Funds							
201	Debt Service Fund	539,492	519,995	0	0.0%	0	0.0%
214	2004 Pension Bond Debt Svc Fd	175,000	175,000	58,346	33.3%	155,000	88.6%
219	2010 PST Revenue Bonds DS Fd	465,005	803,541	0	0.0%	803,542	100.0%
221	2013 Pension Bonds DS Fund	1,488,160	1,488,160	494,878	33.3%	692,949	46.6%
222	2014 LOGT Note DS Fd	628,025	628,025	0	0.0%	628,173	100.0%
223	2015 Franchise Fee Note DS Fd	533,595	533,595	176,836	33.1%	500,122	93.7%
224	2015 Sales Tax Bonds DS Fd	831,980	831,980	275,610	33.1%	636,228	76.5%
225	2015 Sales Tax Bonds DS Fd - TIF	231,752	231,752	227,848	98.3%	175,198	75.6%
226	2016 Franchise Fee Note DS Fd	333,746	333,746	110,605	33.1%	246,914	74.0%
227	2018 LOGT Note DS Fd	778,784	778,784	768,108	98.6%	654,736	84.1%
228	2019 GO Bonds DS Fd	3,541,750	3,541,750	3,112,362	87.9%	933,875	26.4%
229	2019 Pension Bonds DS Fund	2,211,085	2,211,085	736,717	33.3%	1,085,161	49.1%
230	2020 Special Oblig Ref Note	0	4,632,302	4,413,626	0.0%	4,303,304	0.0%
Capital Projects Funds							
301	Community Investment Fund	3,362,000	7,977,277	583,267	7.3%	246,189	3.1%
306	2015 FF Nt Procds I-95 Intchg Fd	0	197,644	4	0.0%	567	0.3%
307	Road Maintenance CIP Fd	1,198,235	1,520,147	1,651	0.1%	3,143	0.2%
308	'18 LOGT Nt Procds-Rd I-95 Fd	0	466,749	362	0.1%	5,167	1.1%
309	'19 GO Bond Proceeds-Road Fd	400,000	51,120,695	19,495	0.0%	172,227	0.3%
310	'21 GO Bond Proceeds-Road Fd	0	0	500,000	0.0%	0	0.0%

Yellow highlight indicates new fund.

MONTHLY FINANCIAL REPORT (UNAUDITED)**JANUARY 2021**

CITY OF PALM BAY, FLORIDA

**Unaudited Financial Activity - All Funds****City of Palm Bay, Florida****As of January 31, 2021****33% of fiscal year completed**

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
Proprietary Funds							
Utility Funds							
421	Utilities Operating Fund	34,451,426	44,543,926	8,431,656	18.9%	9,159,968	20.6%
423	Utility Connection Fee Fund	4,086,427	4,982,885	1,656,495	33.2%	1,854,123	37.2%
424	Utility Renewal / Replace Fd	6,238,478	14,269,678	1,944,717	13.6%	661,777	4.6%
425	Main Line Extension Fee Fund	2,152,993	2,871,056	487,146	17.0%	511,108	17.8%
426	2016 Utility Bond Fund	1,537,860	1,537,860	510,446	33.2%	0	0.0%
427	2001 Bond Fund	1,961,420	1,961,420	619,700	31.6%	0	0.0%
431	USA1 Assessment Fund	221,472	221,472	211,483	95.5%	15,283	6.9%
432	Unit 31 Assessment Fund	360,475	360,475	374,731	104.0%	20,444	5.7%
433	Utility SRF Loan Fund	18,938,800	38,911,753	0	0.0%	24,748	0.1%
434	2020 Utility Note Fund	0	12,269,221	-551,320	0.0%	290,389	0.0%
Other Enterprise Funds							
451	Building Fund	4,323,000	4,760,034	1,635,629	34.4%	1,098,107	23.1%
461	Stormwater Fund	9,981,145	14,829,811	2,015,156	13.6%	1,534,051	10.3%
471	Solid Waste Fund	12,172,887	12,172,876	3,429,131	28.2%	2,041,840	16.8%
Internal Service Funds							
511	Employee Health Insurance Fd	14,106,326	14,109,466	4,610,992	32.7%	3,428,736	24.3%
512	Risk Management Fund	4,683,209	4,699,330	1,681,890	35.8%	1,501,248	31.9%
513	Other Employee Benefits Fd	4,582,696	4,585,082	1,487,128	32.4%	1,547,345	33.7%
521	Fleet Services Fund	4,228,983	7,133,988	2,254,559	31.6%	1,503,214	21.1%



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Patricia Smith, City Attorney

DATE: 3/18/2021

RE: Ordinance 2021-09, amending the Code of Ordinances, Chapter 59, Quasi-Judicial Proceedings, by modifying procedures contained therein, final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

The amendments to § 59.05, Palm Bay Code of Ordinances establish time limits for the presentation of evidence; provides the standard for lay and expert testimony; codify the expectation that reports and detailed written evidence should be provided in advance of the hearing; creates a process for the Quasi-Judicial Body to review a proposed order by the Quasi-Judicial Body's legal counsel; and provides consistent capitalization for the term "Quasi-Judicial Body." The order of presentation of evidence shall be as follows:

- Applicant shall present its case first and have a maximum of 30 minutes. The time includes opening statements and any direct examination of witnesses but does not include questions from the Quasi-Judicial Body.
- City staff shall have a maximum of 30 minutes to present its case. The time includes opening statements and any direct examination of witnesses but does not include questions from the Quasi-Judicial Body.
- Any aggrieved or adversely affected person who has complied with the notice requirement set forth in § 59.03, Palm Bay Code of Ordinances, shall have a maximum of 30 minutes to present its case. The time includes opening statements and any direct examination of witnesses but does not include questions from the Quasi-Judicial Body.
- After each witness testifies, any party may cross-examine the witness. Each cross-examining party has a maximum of 15 minutes per witness.
- Members of the public shall be permitted a maximum of 5 minutes per person.
- The Quasi-Judicial Body may modify the time limits. Any party requesting additional time should specify the amount of additional time the party is seeking and the subjects to be discussed during the additional time. The Quasi-Judicial Body should consider any request for medication to assure all parties have an opportunity to participate without undue repetition, delay and in furtherance of due process.

The evidentiary section, section 59.05(8), has been modified to provide the legal standard by which lay and expert testimony may be considered competent and substantial evidence. Section 59.05(8)(c) provides that lay testimony must be fact-based and generalized statements of opposition do not constitute competent substantial evidence. Section 59.05(8)(d) provides that the opinion and recommendations of professional city staff or other duly qualified professionals and experts may constitute competent and substantial evidence so long as the

opinions and recommendations are related to the person's professional expertise and qualifications. In addition, section 59.05(8)(e) was added to provide an 8-business day deadline before the quasi-judicial hearing for submission of reports and detailed written evidence.

A Quasi-Judicial Body is generally required to provide the applicant with a final order including findings of facts and conclusions of law to support the denial. The revision of section 59.05(14) creates a process by which the Quasi-Judicial Body may direct the Quasi-Judicial Body's legal counsel to prepare a proposed order and continue the hearing to allow the Quasi-Judicial Body to adopt or modify the proposed order.

REQUESTING DEPARTMENT:

City Attorney's Office

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve the ordinance modifying procedures for quasi-judicial proceedings.

ATTACHMENTS:

Description

Ordinance 2021-09

ORDINANCE 2021-09

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 59, QUASI-JUDICIAL PROCEEDINGS, BY MODIFYING PROCEDURES CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 59, Quasi-Judicial Proceedings, Section 59.05, Procedures for Quasi-Judicial Proceedings, is hereby amended and shall henceforth read as follows:

“Section 59.05 PROCEDURES FOR QUASI-JUDICIAL PROCEEDINGS.

(A) The following is a guideline for conducting quasi-judicial hearings:

* * *

(4) The Presider shall have the option of determining the order to expedite the proceedings. However, all parties shall be provided the opportunity to present their case. In the event the quasi-judicial matter constitutes a public hearing, the general order of the presentation of evidence shall be as follows:

(a) The applicant, having the burden of persuasion and the burden of proof, shall proceed to present its case first; >>by providing any factual and expert witness(es) to testify and submitting relevant evidence for the Quasi-Judicial body's consideration (maximum thirty (30) minutes)<<;

(b) City staff >>and any staff consultants<< shall then present the opinion of the City or any other relevant information necessary for the q>>Q<<uasi-j>>J<<udicial body's consideration >>(maximum thirty (30) minutes)<<;

(c) Any aggrieved or adversely affected person who has complied with the notice requirement set forth in § 59.03 shall be heard >>permitted to present factual and expert witness testimony and relevant evidence for the Quasi-Judicial body's consideration (maximum thirty (30) minutes)<<;

(d) ~~Any other person who has taken an oath upon statement of his/her name and address for the record shall be heard;~~ >>Cross-examination of witnesses by the applicant, City staff or any aggrieved or adversely affected person shall be permitted during testimony to the extent requested and necessary in furtherance of due process requirements (maximum fifteen (15) minutes per witness).<<

(e) ~~Closing argument shall then be given by the applicant.~~ >>Any other person who has taken an oath upon statement of his/her name and address for the record shall present any factual or expert testimony relevant to the matter being considered (maximum three (3) minutes per person)<<;

>>(f) Closing argument/rebuttal shall then be given by the applicant; witnesses may be called during rebuttal (maximum ten (10) minutes).

(g) The Quasi-Judicial Body may modify the time limits specified in this subsection (4) on its own motion or upon request of a party to the proceeding. A request for a modification shall detail the additional time desired and the subjects to be discussed during the additional time. A request for a modification of time should be considered by the Quasi-Judicial Body to assure all parties have an opportunity to participate without undue repetition, delay and in furtherance of due process.<<

* * *

(7) The ~~quasi-judicial~~ >>Q<< body shall have the authority to ask questions of anyone present at the proceedings prior to closing the public hearing and commencing deliberations. If during the deliberations, a question arises which the Quasi-Judicial Body desires to ask, it shall reopen the public hearing, pose the question and allow ~~both the applicant~~ >>, any aggrieved or adversely affected person,<< and the City the opportunity to respond to the question posed prior to closing the public hearing again and resuming deliberations.

(8) Neither the Federal Rules of Evidence nor the Florida Evidence Code shall apply, but fundamental due process shall be observed and govern said proceedings at all times. >>The following evidentiary rules should be considered when the Quasi-Judicial Body receives testimony and evidence at the hearing:<<

(9) >>(a)<< All relevant evidence shall be admitted. The ~~quasi-judicial~~ >>Q<< body may exclude irrelevant, immaterial, or unduly repetitious evidence.

(10) >>(b)<< Hearsay evidence may be accepted for the purpose of either supplementing or explaining any direct evidence, provided it is not offered to prove the truth of the matter asserted, but such hearsay evidence shall not, in and of itself, be considered sufficient to support a finding or decision unless the evidence would be admissible over objections in any civil litigation proceeding in a state or federal court in Florida.

>>(c) Lay testimony is permissible and may constitute competent substantial evidence so long as it is fact-based. Mere generalized statements of opposition do not constitute competent substantial evidence.

(d) The opinions and recommendations of professional city staff members including, but not limited to, city growth management staff, the city engineer, law enforcement and fire personnel, and other qualified staff members may constitute competent substantial evidence, provided such opinions and recommendations are related to the city staff person's professional expertise and qualifications. The opinions of other duly qualified professionals and experts of may also be similarly considered competent substantial evidence.

(e) Reports and detailed written evidence shall be submitted to the clerk at least eight business days before a hearing, to the extent feasible, to allow the Quasi-Judicial Body, the parties and interested persons the opportunity to review the documentation prior to the hearing.<<

(11 >>9<<) If, after notice of hearing, a party does not appear, the hearing may be conducted, and an order entered, in the absence of the party.

(12 >>10<<) The q>>Q<<uasi-j>>J<<udicial body shall have the authority to issue any and all orders to afford the proper relief, and this authority shall include the authority to grant continuances to a date-certain upon good cause shown.

(13 >>11<<) At the conclusion of the presentation of the evidence and the taking of testimony, the q>>Q<<uasi-j>>J<<udicial body shall close the public hearing and proceed to deliberate. The q>>Q<<uasi-j>>J<<udicial body shall endeavor to make a determination based upon the appropriate criteria.

(14 >>12<<) At the conclusion of the hearing, if and only if relief is denied to the applicant, a subsequent written order shall be issued to the applicant by the Quasi-Judicial Body's legal counsel setting forth the reasons therefor >>the Quasi-Judicial Body may direct the Quasi-Judicial Body's legal counsel to prepare a proposed order, which will include findings of fact and conclusions of law, for the Quasi-Judicial Body to consider as final action on a quasi-judicial matter. If such

direction is given to the Quasi-Judicial Body's legal counsel, the hearing may be continued to another meeting at which the Quasi-Judicial Body will consider adopting the proposed order as presented or modified by the Quasi-Judicial Body. A copy of the final order will be provided to the applicant and other interested parties upon request.<<

(15 >>13<<) The clerk shall retain all of the evidence and documents submitted into evidence at the hearing. This shall include the official file in the matter, as well as any document presented at the hearing or demonstrative exhibit seen by the q>>Q<<uasi-j>>J<<udicial body while making its decision. Nothing herein shall be deemed to prohibit any party from providing a court reporter for the proceedings. Any party wishing to appeal the decision of a q>>Q<<uasi-j>>J<<udicial body shall have the responsibility to ensure compliance with Fla. Stat. 286.0105.”

SECTION 2. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 3. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 4. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020- , held on , 2021; and
read in title only and duly enacted at Meeting 2021- , held on , 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Joan Junkala-Brown, Community & Economic Development

DATE: 3/18/2021

RE: Ordinance 2021-10, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', by modifying the Rules of Procedure for meeting frequency and quorum requirements, final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

At the Regular Meetings of the Community Development Advisory Board (CDAB) held on January 20, 2021 and February 17, 2021, the Board voted to amend its by-laws by changing the meeting frequency from quarterly to monthly, and the quorum requirement from six (6) to five (5) members.

The by-laws revision would require a textual amendment to the related language in the Palm Bay Code of Ordinances. The attached ordinance reflects changes to Section 52.194, Rules of Procedure.

REQUESTING DEPARTMENT:

Community & Economic Development

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to adopt an ordinance amending Section 52.194 of the Palm Bay Code of Ordinances.

ATTACHMENTS:

Description

Ordinance 2021-10

ORDINANCE 2021-10

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 52, BOARDS, SUBCHAPTER 'COMMUNITY DEVELOPMENT ADVISORY BOARD', BY MODIFYING THE RULES OF PROCEDURE FOR MEETING FREQUENCY AND QUORUM REQUIREMENTS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', Section 52.194, Rules of Procedure, is hereby amended and shall henceforth read as follows:

"Section 52.194 RULES OF PROCEDURE.

(A) Meetings:

(1) Regular meetings shall be held ~~quarterly~~ **>>monthly<<** and on such days and at such times and locations as the Board from time to time determines. Meetings shall be held in public facilities.

(2) Special or workshop meetings may be called by the Chairperson or by at least three (3) members of the Board.

(B) Quorum: ~~Six (6)~~ **>>Five (5)<<** board members shall constitute a quorum for the transaction of business at any meeting and the vote of a majority of such quorum shall be sufficient for formal action by the Board.

* * *

SECTION 2. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 3. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 4. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020- , held on , 2021; and
read in title only and duly enacted at Meeting 2021- , held on , 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 3/18/2021

RE: Ordinance 2021-11, granting approval of a Final Development Plan for a proposed single-family residential Planned Unit Development (PUD) to be known as 'The Preserves at Stonebriar Phase II' on property located north of the Melbourne Tillman Drainage District Canal 41-R, in the vicinity between Cogan and Windbrook Drives (28.878 acres) (Case FD-4-2021, Forestar USA Real Estate Group, Inc.) (Quasi-Judicial Proceeding), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Forestar USA Real Estate Group, Inc. (Jake Wise, P.E., Rep.) has submitted for Final Planned Unit Development approval of a 171-unit residential subdivision to be known as The Preserves at Stonebriar Phase II. The vacant 28.878-acre parcel is in the vicinity east of Cogan Drive SE, amid the southern portion of the Majors Golf Course, in the Bayside Lakes Community.

The subject development is planned for 3.20 units per acre, which is below the maximum 5 units per acre density permitted by the existing Single-Family Residential Future Land Use category. Phase II will be built in one phase that consists of 50-foot wide by 125-foot deep lots, and the two vehicular access points to the development will be from Remington Green Drive SE and Glen Eagles Drive SE.

Upon review, the proposed request appears to conform with the applicable requirements for securing Final Development Plan approval.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case FD-4-2021, subject to the following staff comments contained in the staff report being addressed upon submission for administrative construction plan approval:

- A. Fully engineered construction drawings.
- B. A Subdivision Plat meeting all governing requirements.

C. Opinion of Title.

D. The Plat shall show the existing rights-of-way as Tracts to denote that they are currently private rights-of-way.

E. An emergency drainage easement shall be recorded on the Plat affording the City the right but not the obligation to maintain the stormwater management system in emergencies.

F. Staff recommends that the applicant explore all possible options of connectivity to Eldron Boulevard, which terminates in close proximity to the subject project. This would allow for more efficient traffic circulation, convenient access for the residents of The Preserves, and quicker emergency response.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 5 to 1, subject to the staff comments contained in the staff report.

ATTACHMENTS:

Description

Case FD-4-2021 Revised

Correspondence

Board Minutes

Ordinance 2021-11

**REVISED**

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmabayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

FD-4-2021

PLANNING & ZONING BOARD HEARING DATE

February 3, 2021

PROPERTY OWNER & APPLICANT

~~Benjamin E. Jefferies – Waterstone Farms,~~
LLC >>Forestar USA Real Estate Group, Inc.
(Jake Wise, P.E., Rep.)<<

PROPERTY LOCATION/ADDRESS

Tracts L, M, N, P, S, and T of The Preserves at Stonebriar Phase I, Sections 20 and 29, Township 29, Range 37, Brevard County, FL

SUMMARY OF REQUEST

Final Planned Unit Development approval for a 171-unit residential subdivision to be known as The Preserves at Stonebriar Phase II.

Existing Zoning

PUD, Planned Unit Development

Existing Land Use

Single-Family Residential Use

Site Improvements

Vacant Unimproved Land

Site Acreage

28.878 acres, more or less

SURROUNDING ZONING & USE OF LAND**North**

GU, General Use Holding District; The Majors Golf Course and PUD, Planned Unit Development; Fairway Isles PUD

East

GU, General Use Holding District; The Majors Golf Course and PUD, Planned Unit Development; Summerfield PUD Phase III

South

RS-2, Single Family Residential; Single Family Homes

West

PUD, Planned Unit Development; Stonebriar and Fairway Crossings

**COMPREHENSIVE PLAN
COMPATIBILITY**

Yes

BACKGROUND:

The project will be located in the vicinity east of Cogan Drive SE, amid the southern portion of the Majors Golf Course, in the Bayside Lakes Community. Specifically, the property is Tracts L, M, N, P, S, and T of The Preserves at Stonebriar Phase I Subdivision Plat, Sections 20 and 29, Township 29, Range 37, Brevard County, Florida, containing 28.878 acres.

The subject property was part of a previous PUD approval (PUD-25-2006). That request included lands on both sides of the 110' Florida Power & Light Easement. Preliminary PUD approval was granted for the overall Stonebriar and Fairway Crossings PUD and when the portion west of the FP&L Easement was granted Final PUD approval, it locked in the PUD zoning for the east side. The Preserves at Stonebriar Phase I received Final PUD approval (PUD-36-2017) on September 19, 2017.

ANALYSIS:

The applicant is requesting Final Development Plan (FDP) approval for a Planned Unit Development (PUD), to construct a single-family residential subdivision called The Preserves at Stonebriar Phase II. The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, setbacks and open space, from those elements required in any singular zoning classification found in the city's Zoning Code.

The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as commercial uses designed to serve the inhabitants of the proposed community. The planned unit development process simplifies the procedure for obtaining approval of these developments through simultaneous review of the proposed land use, site consideration, public needs and requirements, and health and safety factors.

The future land use designation of the subject property is Single-Family Residential Use. The development of a single-family planned unit development is compliant with the Single-Family Residential Use future land use designation. The overall acreage for Phase I is 73.262 acres. The overall acreage for Phase II is 28.878 acres. The proposed density for both phases is 3.20 units per acre, which is below the maximum density defined in the City's Comprehensive Plan for Single-Family Residential Use (up to 5 units per acre).

Specifically, the FDP proposes a 171-unit single-family development that will be constructed in one phase. Per the FDP, typical lots within the residential development are 50' x 125'. The minimum size home will be 800 square feet. Vehicular access to the subdivision will be from two (2) roadways; Remington Green Drive and Glen Eagles Drive.

CONDITIONS:

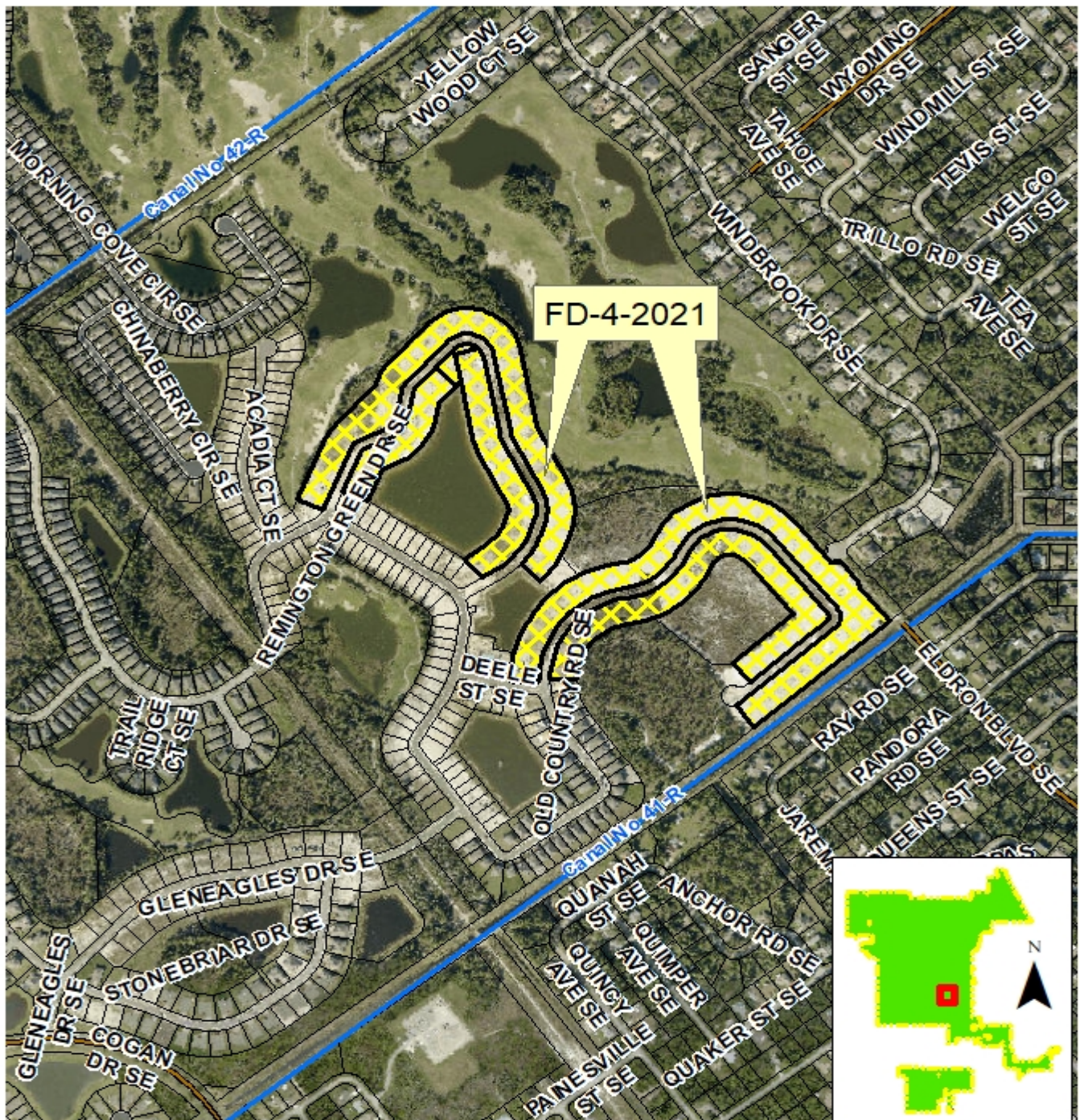
In order to receive FDP approval, the proposal must meet the requirements of Section 185.067 of the City of Palm Bay's Code of Ordinances. Upon review, the request appears to conform with the applicable requirements of this section. The following items shall be addressed upon submission of the administrative construction plan approval:

- A. Fully engineered construction drawings.
- B. A Subdivision Plat meeting all governing requirements.
- C. Opinion of Title.
- D. The Plat shall show the existing rights-of-way as Tracts to denote that they are currently private rights-of-way.
- E. An emergency drainage easement shall be recorded on the Plat affording the City the right but not the obligation to maintain the stormwater management system in emergencies.
- F. Staff recommends that the applicant explore all possible options of connectivity to Eldron Boulevard, which terminates in close proximity to the subject project. This would allow for more efficient traffic circulation, convenient access for the residents of The Preserves, and quicker emergency response.

STAFF RECOMMENDATION:

Case FD-4-2021 is recommended for approval, subject to the staff comments contained in this report.

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.

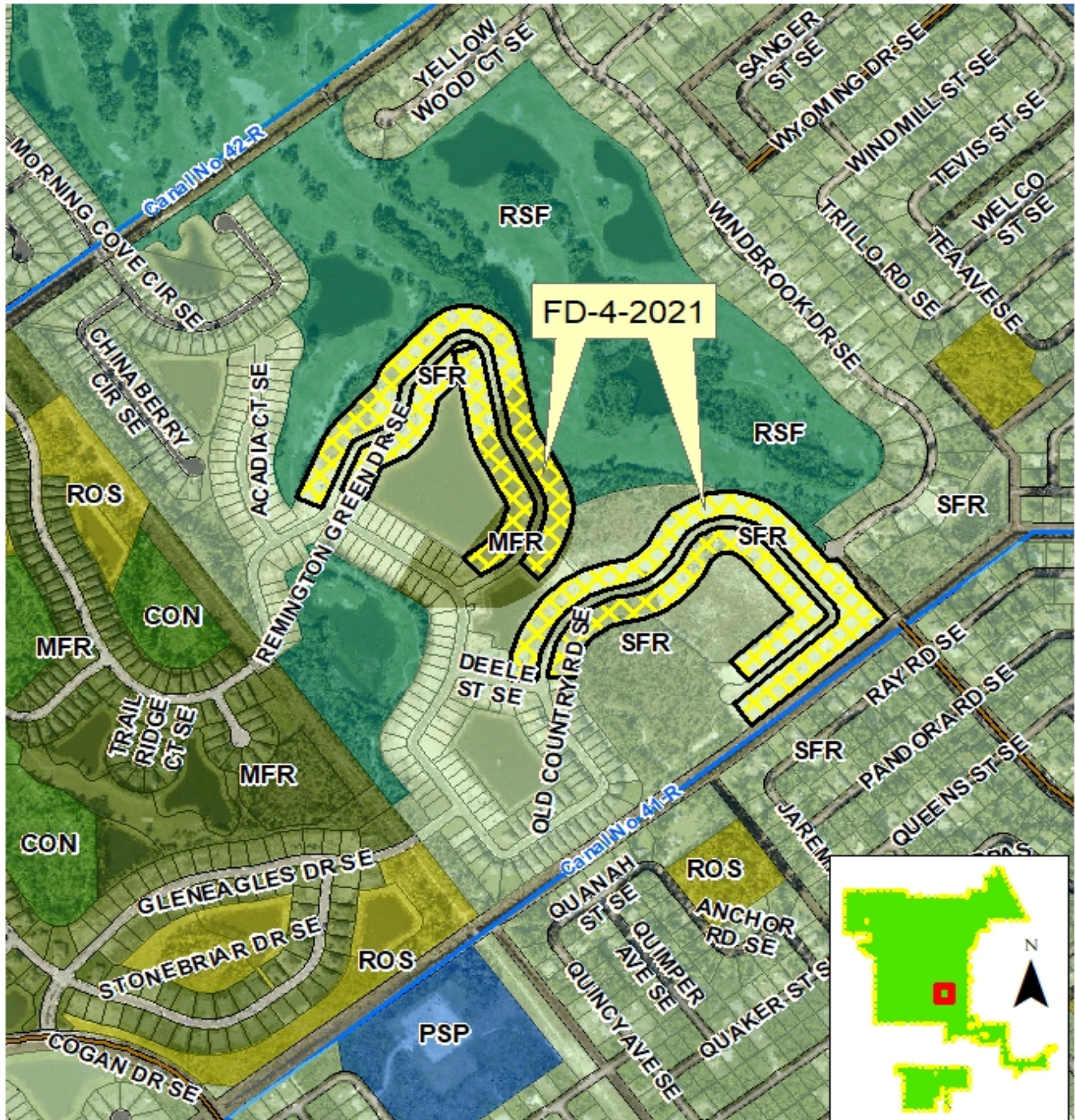


AERIAL LOCATION MAP CASE FD-4-2021

Subject Property

In the vicinity east of Cogan Drive SE and west of Melbourne Tillman Water Control District Canal No. 41-R

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



FUTURE LAND USE MAP CASE FD-4-2021

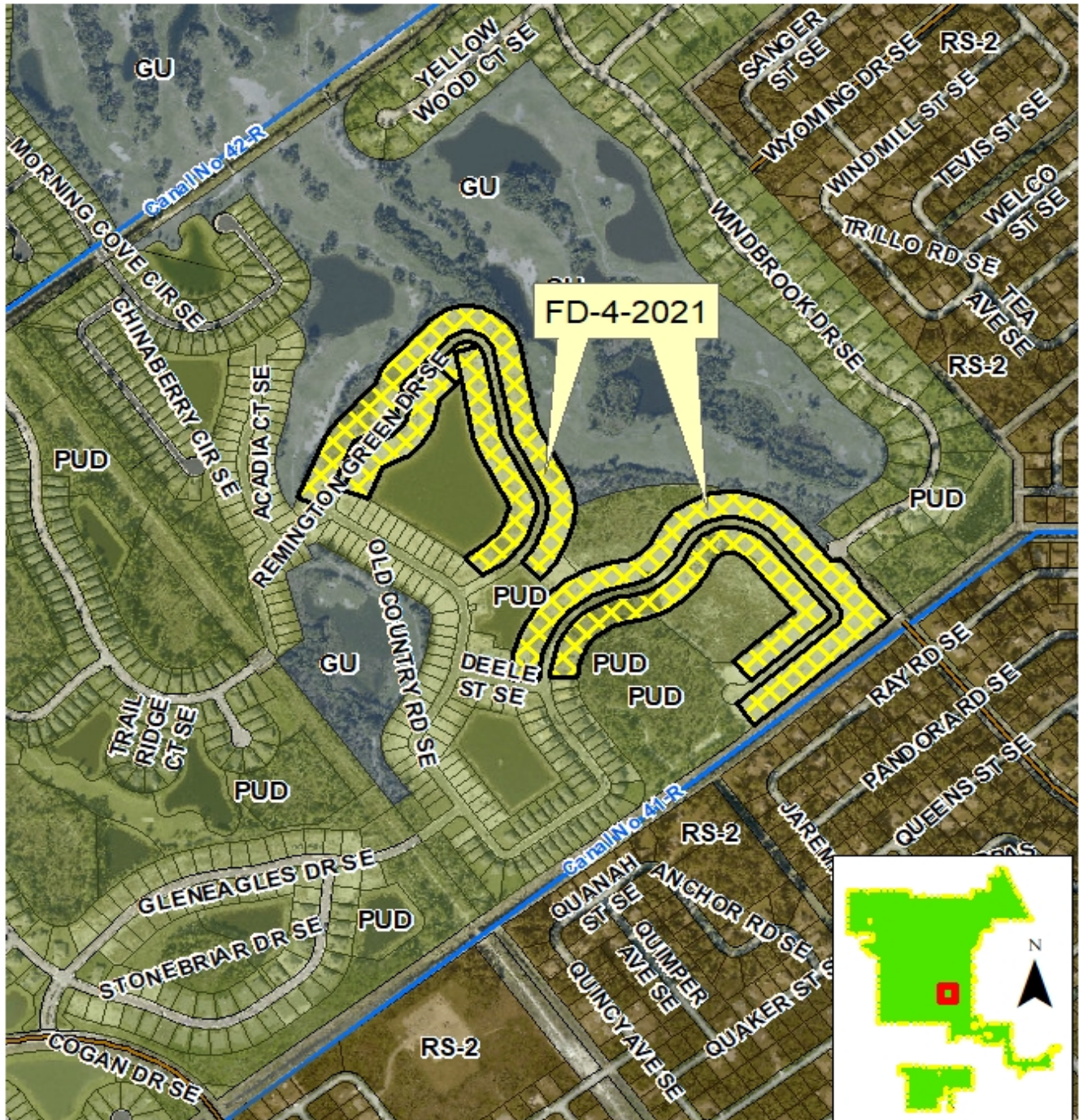
Subject Property

In the vicinity east of Cogan Drive SE and west of Melbourne Tillman Water Control District Canal No. 41-R

Future Land Use Classification

SFR – Single Family Residential Use and MFR – Multi-Family Residential Use

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



ZONING MAP

CASE FD-4-2021

Subject Property

In the vicinity east of Cogan Drive SE and west of Melbourne Tillman Water Control District Canal No. 41-R

Current Zoning Classification

PUD – Planned Unit Development

2. DENOTES SET 4 X 4 CONCRETE MONUMENT WITH DISK STAMPED "PRM LB 6350"

RECEIVED

PAGE 2

LEGEND OF ABBREVIATIONS

NR	= NON RADIAL	PT	= POINT OF TANGENCY
CRB	= OFFICIAL RECORDS BOOK	PU	= PUBLIC UTILITY

TRACT "T"
5.80 ACRES ±

Le 393.5
Pm 30.0

SET BACKS:
FRONT: 25 FEET

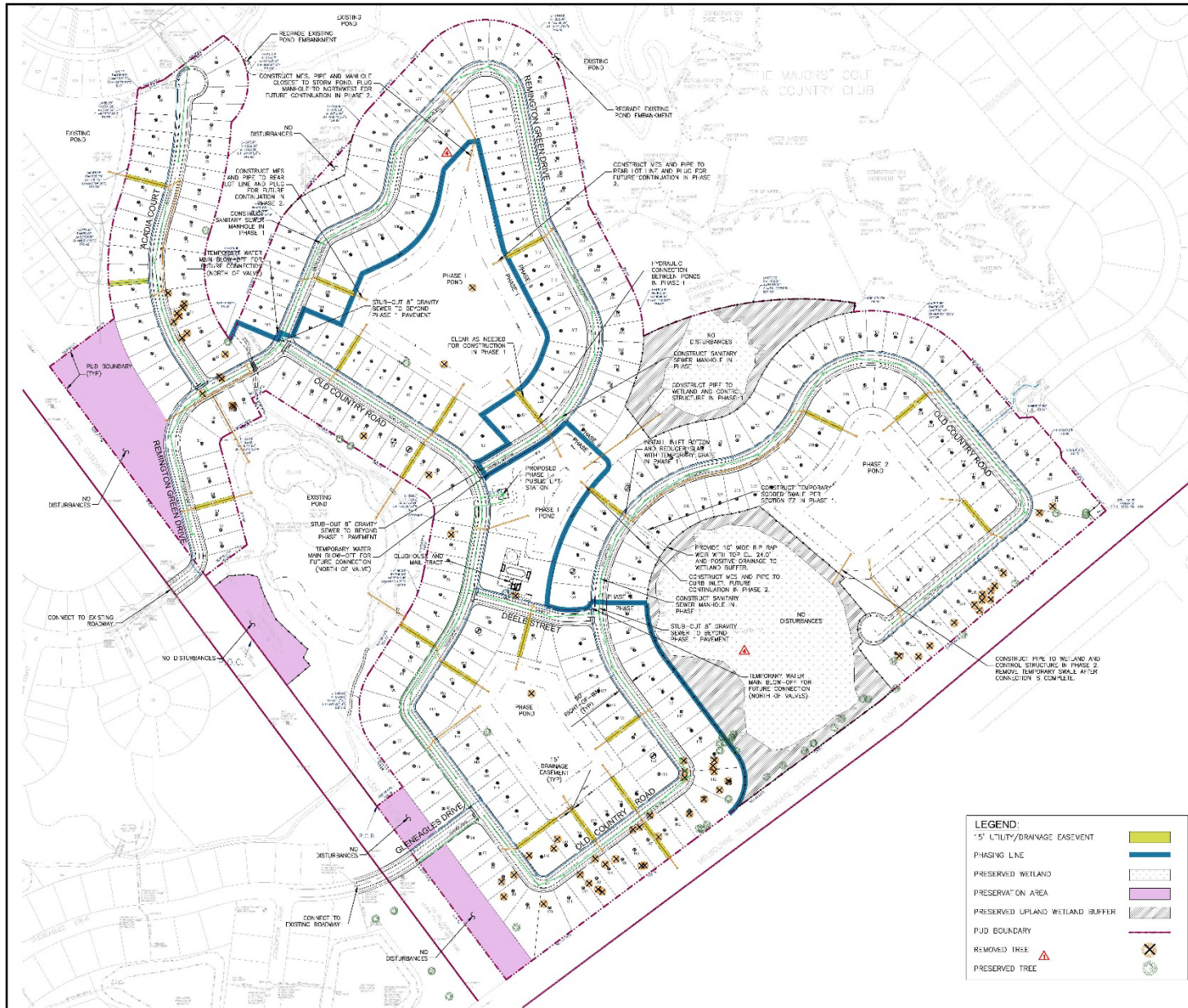
F	ACCESS & GOLF COURSE	0.286 ±
G	LIFT STATION	0.021 ±

R	CONSERVATION EASEMENT	3.555 ±
C	FOR FUTURE DEVELOPMENT	0.000 ±

1 inch = 100 ft.

before me this 15 day of August, 2018 by
Michael Quinley.

Scott Ellis, Clerk, by Nicholas Dr...
Clerk of the Circuit Court Depu...



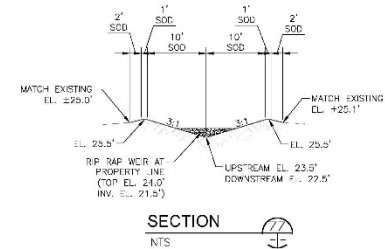
OVERALL SUBDIVISION AND PHASING PLAN
1"=150'



SUMMARY OF REVISED SPECIMEN TREES			
TYPE	SIZE (INCHES DBH)	QUANTITY	DBH (OVER 18")
OAK	18	1	18
PALM	18	5	90
PALM	20	7	140
P NE	18	26	468
P NE	20	14	280
P NE	22	4	88
P NE	24	5	120
P NE	26	1	26
P NE	28	1	28

1258/6 = 210 REPLACEMENT TREES

REPLACEMENT TREES SHALL BE 2" CALIPER AND MINIMUM 0' - 10' IN HEIGHT AND WILL BE PLANTED ON THE FIRST 210 LOTS PERMITTED. IN ADDITION TO THE FOUR TREES AND SHRUBS THAT ARE CODE MINIMUM REQUIRED.



NOTE:
PHASE II SHALL BE CARRIED IN PHASE I. NO STOCKPILING IS ALLOWED IN PHASE I AREA. ALL DISTURBED AREAS SHALL BE SEED AND MULCH.

PHASING NOTE CHANGES
ADDED STREET NAMES



REV	DATE	DESCRIPTION
1	7/26/17	SCHEMATIC
2	10/19/17	CITY COMMENTS
3	2/19/18	PHASING CHANGE
4	6/14/18	CITY COMMENTS
5	7/31/18	CITY COMMENTS

DATE	5-26-17
SCALE	1"=150'
PROJ. NO.	140312
DESIGNED BY	JRT
DRAWN BY	SMB
CHECKED BY	JTW
DRAWING NO.	G-3

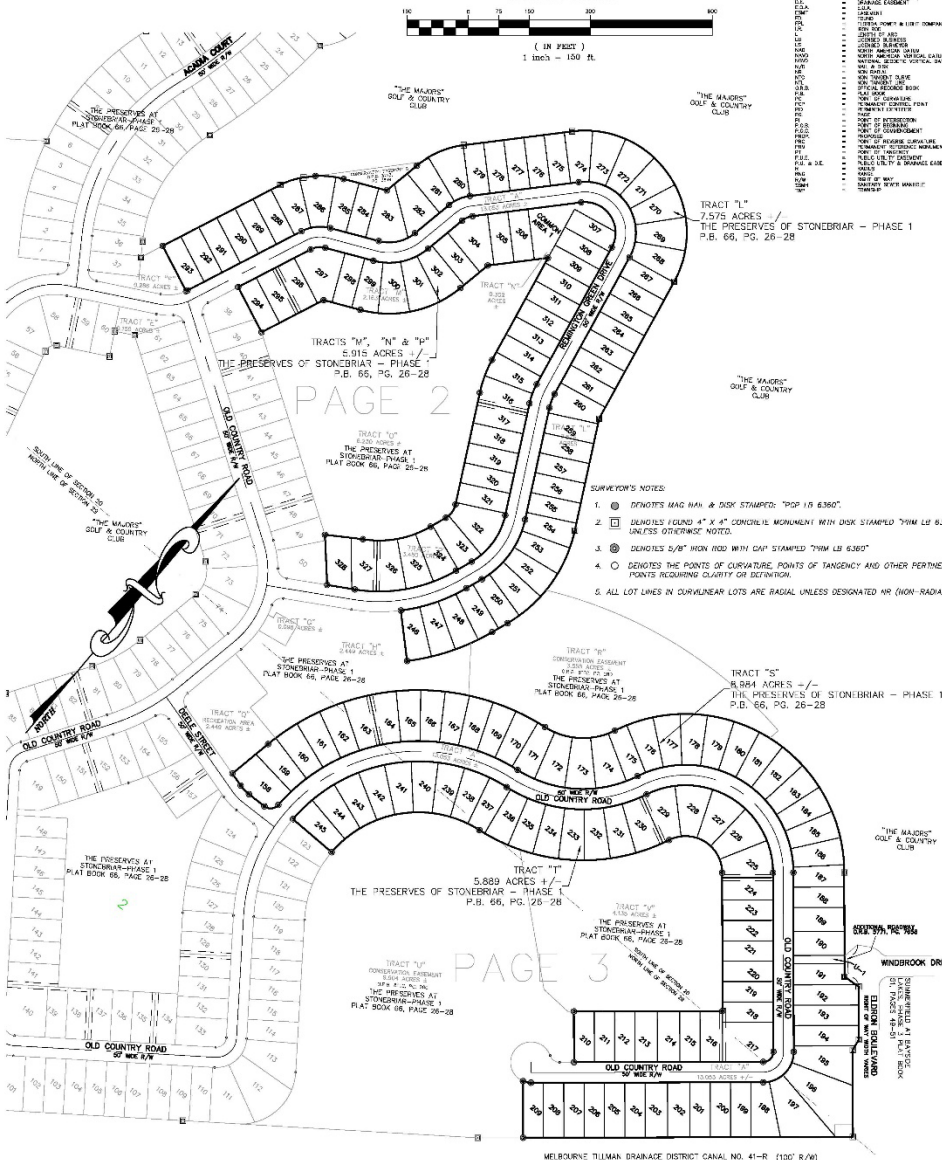
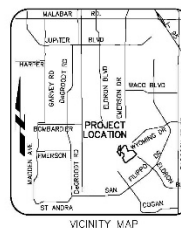
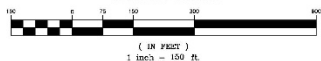
THE PRESERVES AT STONEBRIAR - PHASE 2

A SUBDIVISION LYING IN SECTIONS 20 & 29, TOWNSHIP 29 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.
BEING A REPLAT OF TRACTS L, M, N, P, S & T, THE PRESERVES AT STONEBRIAR PHASE 1, RECORDED IN PLAT BOOK 66, PAGES 26-28

LEGEND OF ABBREVIATIONS

SYMBOL	DESCRIPTION
1	CONCRETE MONUMENT
2	IRON MONUMENT
3	WOOD MONUMENT
4	STAMPED IRON MONUMENT
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100	STAMPED IRON MONUMENT

GRAPHIC SCALE



NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PLAT BOOK 3 PAGE 1

SHEET 1 OF 3 SECTION 20 & 29 TWP. 29 S., RANGE 37 E.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THE CORPORATION NAMED BELOW, BEING THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN:

THE PRESERVES AT STONEBRIAR - PHASE 2

HEREBY DEDICATES SAID LANDS AND PLAT FOR THE USES AND PURPOSES THEREIN EXPRESSED AND DEDICATES ALL PUBLIC UTILITY EASEMENTS AS DESCRIBED HEREON TO THE CITY OF PALM BAY FOR THE PERPETUAL USE OF THE PUBLIC, AND HEREBY FURTHER DEDICATES TO THE CITY OF PALM BAY A PERPETUAL EASEMENT OVER AND ACROSS THE RIGHT-OF-WAY OF ALL PRIVATE STREETS AND ROADS SHOWN HEREON (SUCH PRIVATE STREETS AND ROADS BEING DISCLOSED HEREON AS TRACT "A" FOR ACCESS AND EGRESS FOR PUBLIC SERVICE AND EMERGENCY VEHICLES. NO OTHER EASEMENTS ARE HEREBY DEDICATED OR GRANTED TO THE PUBLIC, BEING THE INTENTION OF THE UNDERSIGNED THAT ALL STREETS AND ROADS AND OTHER EASEMENTS AND COMMON AREAS SHOWN HEREON BE PRIVATELY OWNED AND MAINTAINED AND THAT THE PUBLIC AND THE CITY OF PALM BAY HAVE NO RIGHT OR INTEREST THEREIN.

N WITNESS WHEREOF, THE UNDERSIGNED HAS CAUSED THESE PRESENTS TO BE EXECUTED ON THE DATE SET FORTH BELOW:

BY: FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware Corporation
CHRIS TYPK, PRESIDENT
10001 S. US HWY 1
SUITE 200
ORLANDO, FLORIDA 32801

Witness 2: _____

Print: _____

State of _____

County of _____

City of _____

I AM TO CERTIFY, the foregoing instrument was acknowledged before me by _____ a _____ of _____





known to me or has produced _____ as identification.

Notary Public _____

My Commission Expires: _____

A SUBDIVISION LYING IN SECTIONS 20 & 29, TOWNSHIP 29 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.
BEING A REPLAT OF TRACTS L, M, N, P, S & T, THE PRESERVES AT STONEBRIAR PHASE 1, RECORDED IN PLAT BOOK 66, PAGES 26-28

SURVEYOR'S NOTES:

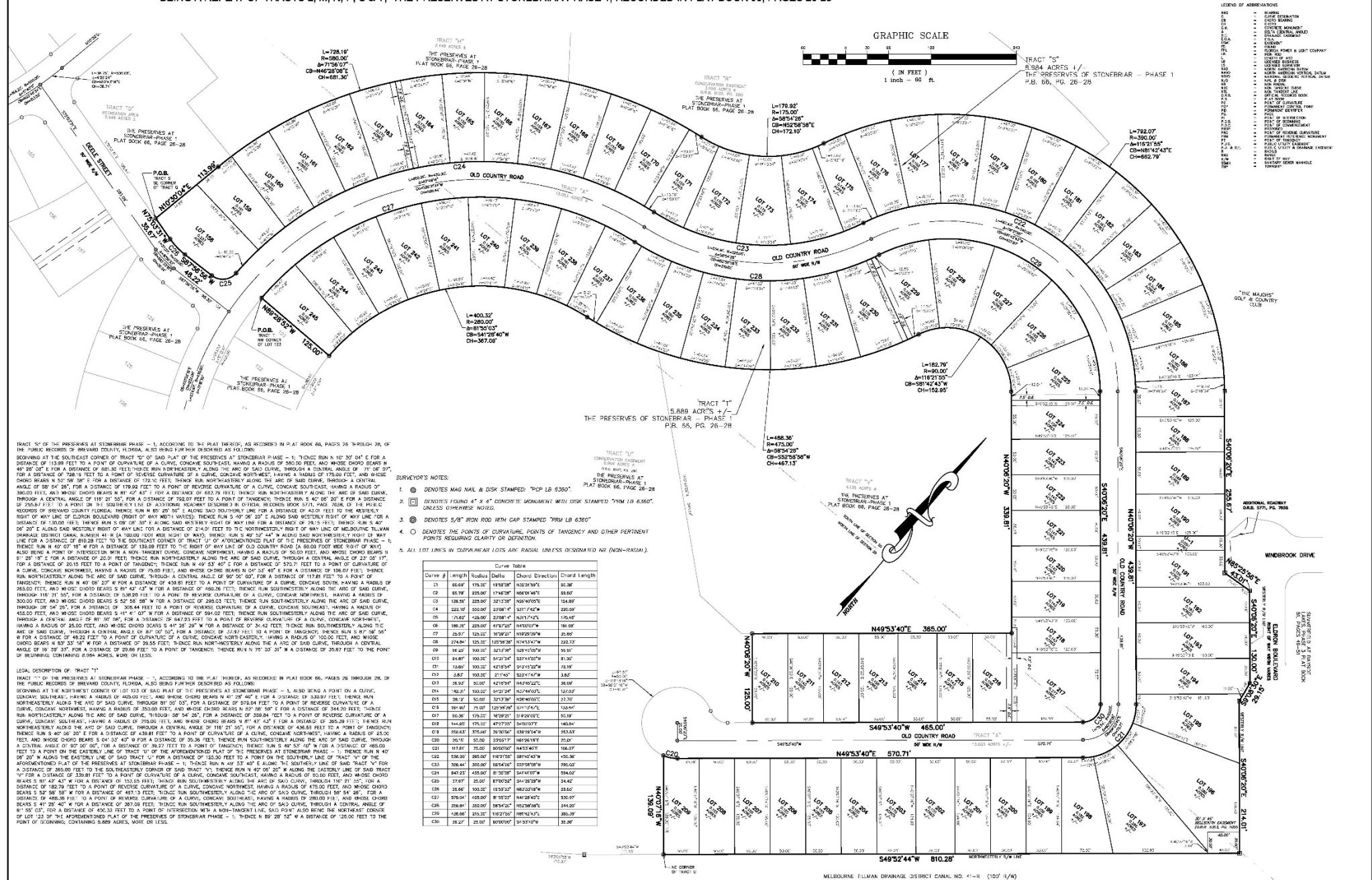
1.  DENOTES MAG NAIL & DISK STAMPED: "MCP LB 6360".
2.  DENOTES FOUND 4" x 4" CONCRETE MONUMENT WITH DISK STAMPED "PM LB 6360" UNLESS OTHERWISE NOTED.
3.  DENOTES 5/8" IRON ROD WITH CAP STAMPED "PM LB 6360"
4.  DENOTES THE POINTS OF CURVATURE, POINTS OF TANGENCY AND OTHER PERTINENT POINTS REQUIRING CLARITY OR DEFINITION.
5. ALL LOT LINES IN CUMULATIVE LOTS ARE RADIAL UNLESS DESIGNATED INR (NON-RADIAL).

(IN FEET)

1 inch = 60 ft.



A SUBDIVISION LYING IN SECTIONS 20 & 29, TOWNSHIP 29 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.
BEING A REPLAT OF TRACTS L, M, N, P, S & T, THE PRESERVES AT STONEBRIAR PHASE 1, RECORDED IN PLAT BOOK 66, PAGES 26-28





Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopmentweb@palmabayflorida.org

FINAL DEVELOPMENT PLAN APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, Monday through Friday, during division office hours, to be processed for consideration by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

APPLICATION TYPE:

<input checked="" type="checkbox"/> PUD Planned Unit Development (Section 185.067)	<input type="checkbox"/> PMU Parkway Mixed Use District (Final Design Plan) (Section 185.057(C))	<input type="checkbox"/> PCRD Planned Community Redevelopment District (Section 185.055(L))	<input type="checkbox"/> RAC Regional Activity Center District (Section 185.056(C))
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PROPOSED DEVELOPMENT NAME The Preserves at Stonebriar- Phase 2

PARCEL ID 29-37-20-WW-*T; 29-37-20-WW-*S; 29-37-20-WW-*P; 29-37-20-WW-*N; 29-37-29-WW-*M& 29-37-20-WW-*L

TAX ACCOUNT NO. 3018958; 3018957; 3018954; 3018952; 3018951; 3018950

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

See attached

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): +/- 28.8 acres

TOTAL LOTS PROPOSED (list by use): 171

DEVELOPER Forestar (USA) Real Estate Group, Inc

Full Address 1064 Greenwood Blvd; Suite 200; Lake Mary, FL 32746

Telephone 407-832- 3164 Email christyree@forestargroup.com

ENGINEER Jake Wise, PE- Construction Engineering Group, LLC

Full Address 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone 321-610-1760 Email jwise@cegengineering.com

SURVEYOR Horizon Surveyors, Inc

Full Address 390 Poinciana Drive; Melbourne, FL 32935

Telephone 321-254-8133 Email bob@horizonsurveyors.com

FINAL DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

- 1) TWO (2) COPIES OF THE FINAL DEVELOPMENT PLAN AND SUPPORTING DOCUMENTATION SHALL BE ATTACHED TO THE APPLICATION. THE FINAL PLAN AND SUPPORTING DOCUMENTATION MUST ALSO BE PROVIDED ON MEMORY DRIVE.
- 2) LAYOUT OF THE DEVELOPMENT PLAN SHALL BE IN PLAT FORM THAT MEETS THE REQUIREMENTS OF FLORIDA STATUTE CHAPTER 177.
- 3) THE FINAL DEVELOPMENT PLAN SHALL CONTAIN THE INFORMATION REQUIRED PER THE CITY OF PALM BAY LAND DEVELOPMENT CODE SECTION FOR A PUD, PMU, PCRD, OR RAC. **ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE PLAN FOR THE SPECIFIC TYPE OF DEVELOPMENT REQUESTED (PUD, PMU, PCRD, RAC).** THE ADDITIONAL CRITERIA IS LISTED IN THE CODE OF ORDINANCES AND AVAILABLE FROM STAFF.

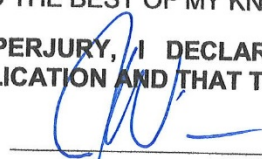
THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS FINAL DEVELOPMENT PLAN APPLICATION:

- ☒ *A \$1,500.00 application fee shall accompany the Final Development Plan application for the purposes of administration. Make check payable to "City of Palm Bay."
- ☒ Final Development Plan (see above Final Development Plan Criteria for Submittal).
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)
- ☒ Citizen Participation Plan. Required when a preliminary development plan application was not submitted. Refer to Section 169.005 of the Land Development Code for guidelines.
- ☒ School Board of Brevard County School Impact Analysis Application (if applicable).
- ☒ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- ☒ **Where property is not owned by the applicant**, a letter must be attached giving the notarized consent of the owner to the applicant to apply for the final development plan.

I, THE UNDERSIGNED UNDERSTAND THAT THIS FINAL DEVELOPMENT PLAN APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FINAL DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date 12-8-20

Printed Name of Applicant Jake Wise, PE- Construction Engineering Group, LLC

Full Address 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone 321-610-1760 Email jwise@cegengineering.com

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

January 12, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel Ids: 29-37-20-WW-*-T; 29-37-20-WW-*-S; 29-37-20-WW-*-P; 29-37-20-WW-*-N; 29-37-29-WW-*-M & 29-37-20-WW-*-L

I, Owner Name: Forestar (USA) Real Estate Group, Inc

Address: 1064 Greenwood Blvd; Suite 200; Lake Mary, FL 32746

Telephone: 407-832- 3164

Email: christyree@forestargroup.com

hereby authorize:

Representative: Jake Wise, PE- Construction Engineering Group, LLC

Address: 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone: 321-610-1760

Email: jwise@cegengineering.com

to represent the request(s) for:

Final Development Plans and any/ all associated submittals

Chris Tyree

(Property Owner Signature)

STATE OF Florida

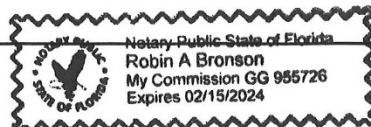
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 12th day of January, 2021 by Chris Tyree, property owner.

R. Bronson

R. Bronson, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:



CASE FD-4-2021

CORRESPONDENCE

Chandra Powell

From: Christopher Balter
Sent: Monday, January 25, 2021 1:35 PM
To: Patrick Murphy
Cc: Chandra Powell
Subject: FW: The Preserves at Stonebriar Phase 2 Project

FYI

Christopher Balter

Christopher Balter
Senior Planner
City of Palm Bay
Land Development Division
P: 321-733-3042
F: 321-953-8920

To see a world in a grain of sand
And a heaven in a wild flower,
Hold infinity in the palm of your hand,
And eternity in an hour.
-William Blake-

From: Christopher Balter
Sent: Monday, January 25, 2021 12:55 PM
To: Yvonne Krempasky <scarletoharatwo@gmail.com>
Subject: RE: The Preserves at Stonebriar Phase 2 Project

Good Afternoon,

The developer is following the same plan that was master-planned in 2006 by Lennar Builders. The plan had always shown the development to access from Cogan at the two entry and exit points. As residents, you can ask the developer at both public hearings to provide another means of egress. Per City code, they would not need an additional egress.

Christopher Balter

Christopher Balter
Senior Planner
City of Palm Bay
Land Development Division
P: 321-733-3042
F: 321-953-8920

To see a world in a grain of sand
And a heaven in a wild flower,
Hold infinity in the palm of your hand,
And eternity in an hour.
-William Blake-

Dear Mr. Balter:

I was given your name when I called your office on Friday regarding Public Notice No. FD-4-2021 and I also left you a voicemail message.

My residence is located on 532 Stonebriar Drive in the sub-division of Stonebriar Estates in Bayside Lakes. Our community was informed that residents in the new section of The Preserves at Stonebriar (Phase 1), and now new homes being built (Phase 2), are to use our two entrance & exit gates. This is a tremendous amount of vehicles coming through of our gates. I modestly calculated with 157 homes in Phase 1 and expected 171 homes in Phase 2, with two cars per home, would be 656 vehicles using both entrances/exits on both Stonebriar Drive & Gleneagles Drive. Our community has three car garages for 229 homes, so that is an additional 687 vehicles. This amount of traffic on our two main streets (Stonebriar Drive & Gleneagles) causes additional wear and tear on our streets and two gates, plus increased inconsiderate speeders.

I would like to understand why there isn't a plan to cut in an additional entrance/exit road for The Preserves at Stonebriar? Is it because the company doesn't want to pay for city permits and associated costs to do so? There is definitely an access point that one could be constructed.

We are not one combined community as we have several HOA companies with separate community rules/guidelines. We were also informed we don't have permission to use their community pool or playground.

Please contact me at (585) 727-4906 or via my email. Thank you for reading.

Sincerely,
Yvonne Krempasky

PS: Our Stonebriar Estates HOA Board of Directors President is Dennis Kelleher.

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2021-03

Held on Wednesday, February 3, 2021, in the Tony Rosa Community Center, Rooms A and B, 1502 Port Malabar Road NE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Khalilah Maragh led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Absent	(Excused)
MEMBER:	Donald Boerema	Present	
MEMBER:	James Boothroyd	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Present	
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa	Absent	
	(School Board Appointee)		

Ms. Jordan's absence was excused.

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Special Planning and Zoning Board/Local Planning Agency Meeting 2021-02; January 19, 2021. Motion by Ms. Maragh, seconded by Mr. Hill to approve the minutes as presented. The motion carried with members voting unanimously.

NEW BUSINESS:

1. ****FD-4-2021 - THE PRESERVES AT STONEBRIAR PHASE II -
FORESTAR USA REAL ESTATE GROUP, INC.
(JAKE WISE, P.E., REP.)**

Mr. Balter presented the staff report for Case FD-4-2021. The applicant had requested Final Development Plan approval of a proposed PUD, Planned Unit Development to allow a 171-lot single-family development called The Preserves at Stonebriar Phase II. Staff recommended Case FD-4-2021 for approval, subject to the staff comments contained in the staff report.

Ms. Maragh asked for clarification on whether exploring connectivity options to Eldron Boulevard SE was a staff recommendation or a requirement. Mr. Balter explained that a connection to Eldron Boulevard was a viable staff recommendation that could be considered during the administrative review construction phase. However, a nonpublic right-of-way could not be forced into a connection.

Mr. Jake Wise, P.E. of Construction Engineering Group, Inc. (representative for the applicant) stated that the subject request was the last residential phase of the Bayside Lakes development. The townhomes that were originally part of the gated subdivision had been eliminated. The development would have two access points, City utilities had been extended by the project, and privately maintained roads would be built to City standards. He stated that a suggestion during the Citizen Participation Plan (CPP) meeting to place a fountain in the storm pond would be looked into; a light would be installed at the mailbox location; and construction debris would be removed from a couple of lots. The development was designed around golf course holes and wetland preservation areas. He explained that the recommendation for an Eldron Boulevard connection was under discussion; however, the Summerfield Homeowners Association owned the existing right-of-way for the connection, so there was no public right-of-way to tie into. The Summerfield Homeowners Association had been opposed to a connection between the two developments in the past.

The floor was opened for public comments.

Ms. Betty Arnold (resident at Remington Green Drive SE) spoke against the request. She commented on how Fairway Crossings at Bayside Lakes was no longer a gated community because of the daily construction traffic through the gates and onto their roads. There was an easement agreement for partial access; however, the homes in the proposed development would bring more traffic through Fairway Crossings to reach Cogan Drive SE. She suggested the removal of Fairway Crossings from the easement agreement and gating Remington Green Drive to close the area. She purchased her property in Fairway Crossings because she wanted to live in a gated community.

Mr. Bill Coomber (resident at Trail Ridge Court SE) spoke against the request. He stated that Fairway Crossings was no longer treated as a gated community, and how residents had been told that Fairway Crossings would not be opened to the subject development. He suggested an additional access as a safety measure against pinning the 171 homes into the back area. He commented on how directional signage to keep outside traffic from entering Remington Green Drive had been ignored and should not be necessary. He believed that more thought should have been given to the layout and access points of the development than to filling the space.

In response to public comments, Mr. Wise stated that Fairway Crossings currently had two gated entrances, and that the subject development had always been a part of the Bayside Lakes Master Plan. He noted that Cogan Drive served as the sole access to other developments in the vicinity, and that larger subdivisions existed in the City on a single access. He described how Fairway Crossings had winding roads throughout for traffic calming.

Mr. Boothroyd inquired about the construction entrances. Mr. Wise indicated how the majority of the construction traffic used a second Cogan Drive entrance located closer to the subject site.

Mr. Hill asked if the infrastructure for the subject phase was in place. Mr. Wise stated that all infrastructure was in place, which included utilities, roads, sidewalks, drainage, stormwater bonds, and fenced wetlands.

Mr. Boerema questioned how Fairway Crossings, a gated community, had become open. He inquired about the private entrance off of Eldron Boulevard. Mr. Wise stated that Fairway Crossings was still gated. A code was needed to enter the community, but the gates might be left open due to repairs, vehicles might tailgate their way in, and codes may have been shared. He confirmed that the entrance off of Eldron Boulevard was privately owned by the Summerfield Homeowners Association and could not be accessed without their agreement. Ms. Maragh remarked that an Eldron Boulevard connection should be explored.

The floor was closed for public comments and there was one item of correspondence against the request in the file.

Motion by Ms. Maragh, seconded by Mr. Hill to submit Case FD-4-2021 to City Council for Final Development Plan approval of a proposed PUD, Planned Unit Development to allow a 171-lot single-family development called The Preserves at Stonebriar Phase II, subject to the staff comments contained in the staff report. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Mr. Boerema	Nay
Mr. Boothroyd	Aye
Mr. Hill	Aye
Ms. Maragh	Aye
Mr. Warner	Aye

2. ****CU-5-2021 - FAR RESEARCH, INC. (AVID GROUP, LLC AND AKERMAN, LLP, REPS.)**

Case CU-5-2021 was discussed following Announcements.

3. **T-6-2021 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT – REQUESTED BY COUNCILMAN JEFF BAILEY)**

Mr. Bradley presented the staff report for Case T-6-2021. The City of Palm Bay had requested a textual amendment to the Code of Ordinances, Title V, Legislative, Chapter 51: Public Hearings, Sections 51.04 and 51.05, to modify provisions for

ORDINANCE 2021-11

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN TO BE KNOWN AS 'THE PRESERVES AT STONEBRIAR PHASE II' IN PUD (PLANNED UNIT DEVELOPMENT) ZONING; WHICH PROPERTY IS LOCATED NORTH OF THE MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL 41-R, IN THE VICINITY BETWEEN COGAN AND WINDBROOK DRIVES, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 4, 2006, the City of Palm Bay granted a preliminary Planned Unit Development (PUD) to be known as 'Stonebriar at Bayside Lakes Phase II' to Town Center Partners Ltd., and

WHEREAS, application for Final Development Plan approval in PUD (Planned Unit Development) zoning to permit a 171-unit residential subdivision to be known as 'The Preserves at Stonebriar Phase II' on property legally described herein, has been made by Forestar USA Real Estate Group, Inc., and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on February 3, 2021, which voted to recommend to the City Council approval of the application, and

WHEREAS, all provisions applicable to the Planned Unit Development (PUD) under Chapter 185, Zoning, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

WHEREAS, the City Council of the City of Palm Bay, after due deliberation and consideration, reviewed and considered the reports, documents, testimony, and other materials presented, and has determined that such development plan will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City Council of the City of Palm Bay hereby grants final development plan approval for 'The Preserves at Stonebriar Phase II' on property zoned PUD (Planned Unit Development), which property is legally described as follows:

Tracts "L", "M", "N", "P", "S", and "T", The Preserves at Stonebriar Phase I, according to the plat thereof as recorded in Plat Book 66, Page 26, of the Public Records of Brevard County, Florida; Sections 20 and 29, Township 29S, Range 37E; containing 28.878 acres, more or less.

SECTION 2. The final development plan is granted subject to staff comments contained in the Staff Report and the following conditions, which shall be addressed upon submission of the administrative construction plan approval:

- A. The property shall be developed in substantial conformance with the Final Development Plan which is, by reference, incorporated herein as Exhibit 'A', except as may be modified by the conditions of approval;
- B. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'B';
- C. Fully engineered construction drawings;
- D. A Subdivision Plat meeting all governing requirements;
- E. Opinion of Title;
- F. The Plat shall show the existing rights-of-way as Tracts to denote that they are currently private rights-of-way;
- G. An emergency drainage easement shall be recorded on the Plat affording the City the right but not the obligation to maintain the stormwater management system in emergencies;

- H. Staff recommends that the applicant explore all possible options of connectivity to Eldron Boulevard, which terminates in close proximity to the subject project. This would allow for more efficient traffic circulation, convenient access for the residents of The Preserves, and quicker emergency response; and
- I. All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

SECTION 3. This ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2021-06, held on March 4, 2021; and read in title only and duly enacted at Meeting 2021- , held on , 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Forestar USA Real Estate Group, Inc.
Case: FD-4-2021

cc: (date) Brevard County Recording
Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 3/18/2021

RE: Ordinance 2021-12, amending the Code of Ordinances, Chapter 51, Public Hearings, by modifying provisions for withdrawal and denial of public hearing requests (Case T-6-2021, City of Palm Bay), final reading. (Councilman Bailey)

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

The City of Palm Bay (Growth Management Department – Requested by Councilman Jeff Bailey) has submitted for a change to Section 51.04 “Withdrawals” to replace previously deleted language to require a 6-month waiting period for a new application when an application has been withdrawn, and to change Section 51.05 “Denial of Request by Council or Board” to include language that the 12-month waiting period after the denial of a request shall not apply if the original request was initiated by the City. It should be noted that additional changes proposed as part of this amendment are proposed in the Zoning Regulations.

The amendment readdresses certain sections of the Code of Ordinances that were modified in 2016 and 2017 regarding Public Hearings and changes to Future Land Uses and Zoning Districts. At the commencement of a City Council public hearing, a 6-month waiting period for withdrawn applications will allow for more flexibility than the original regulation. City-initiated applications that are denied by City Council will be exempt from the existing 12-month waiting period to reapply.

The proposal further helps to protect the public interest by creating a waiting period between repeat or redundant applications.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case T-6-2021.

Planning and Zoning Board Recommendation:

Denial of the request by a vote of 5 to 1.

ATTACHMENTS:

Description

Case T-6-2021

Correspondence

Board Minutes

Ordinance 2021-12



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

T-6-2021

PLANNING & ZONING BOARD HEARING DATE

February 3, 2021

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not applicable

SUMMARY OF REQUEST

Change to Section 51.04 "Withdrawals" to replace previously deleted language to require a 6-month waiting period for a new application when an application has been withdrawn. Change to Section 51.05 "Denial of Request by Council or Board" to include language that a 12-month waiting period after the denial of a request shall not apply if the original request was initiated by the City, Addition of Section 185.203 "Protest by Property Owners" to insert language previously deleted to allow "affected" property owners to petition and request a 4/5 vote by the City Council to approve a Future Land Use change or Zoning District Change, Section 185.203 "Modification of District Boundary Changes" to add the word "zoning" and to delete Section 185.204 "Reconsideration of District Boundary Changes." This request was initiated by Councilman Bailey, with input from Growth Management staff.

**COMPREHENSIVE PLAN
COMPATIBILITY**

Not specifically addressed.

BACKGROUND:

Textual amendments to the Code of Ordinances, Title V, Legislative, Chapter 51 Public Hearings Section 51.04 "Withdrawals" to replace previously deleted language to require a 6-month waiting period for a new application when an application has been withdrawn. Change to Section 51.05 "Denial of Request by Council or Board" to include language that a 12-month waiting period after the denial of a request shall not apply if the original request was initiated by the City.

Also, textual amendments to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, addition of Section 185.203 "Protest by Property Owners" to insert language previously deleted to allow "affected" property owners to petition and request a 4/5 vote by the City Council to approve a Future Land Use change or Zoning District Change, to modify Section 185.203 "Modification of District Boundary Changes" to add the word "zoning" and to delete Section 185.204 "Reconsideration of District Boundary Changes."

The Growth Management Department, acting upon a request from a member of the City Council, (Councilman Bailey), has submitted this proposed text amendment.

The rationale provided for this amendment is replace certain sections of the Code of Ordinances that address Public Hearings and Future Land Use and Zoning District changes in 2016 and 2017, which modified the Code of Ordinances. Additional changes have been added to clarify language and remove redundant requirements.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strikethrough~~ format.

ANALYSIS:

In 2016, Section 51.04 "Withdrawals" was modified to delete language which required a 6-month waiting period for a new application when an application has been withdrawn. The deletion of this language allows an applicant to take an item all the way to a public hearing before City Council and then withdraw the item after the hearing has commenced, but before Council action is taken. The proposed change would reconstitute a 6-month waiting period for withdrawn applications. New language is being added to trigger the waiting period only after the commencement of a public hearing before City Council. The new language allows applicants more flexibility than the old regulation, as the waiting period is only triggered once Council opens the hearing.

The proposed change to Section 51.05 "Denial of Request by Council or Board" includes new wording which would not require an applicant to wait 12 months for the denial of an application if the original request was initiated by the City and not the property owner.

In 2016, Section 51.04 “Withdrawals” was modified to delete language which required a 6-month waiting period for a new application when an application has been withdrawn. The deletion of this language allows an applicant to take an item all the way to a public hearing before City Council and then withdraw the item after the hearing has commenced, but before Council action is taken. The proposed change would reconstitute a 6-month waiting period for withdrawn applications. New language is being added to trigger the waiting period only after the commencement of a public hearing before City Council. The new language allows applicants more flexibility than the old regulation, as the waiting period is only triggered once Council opens the hearing.

The proposed change to Section 51.05 “Denial of Request by Council or Board” includes new wording which would not require an applicant to wait 12 months for the denial of an application if the original request was initiated by the City and not the property owner.

Section 185.203 “Protest by Property Owners” proposes to re-insert language previously deleted which allows property owners to petition and request a 4/5 vote by the City Council to approve a Future Land Use change or Zoning District change. This section was modified in 2016 by raising the threshold for a petition from 20% to 60%. One month after the change to 60% was approved, the same applicant proposed, and the Council approved, to strike the entire section from the Land Development Code.

Protest petitions can be found in several other zoning ordinances including Melbourne and West Melbourne. Both jurisdictions only require 20% of the owners within 500’ of the subject property sign the petition.

This latest proposal would require 67% (greater than 2/3) of property owners to sign the petition triggering a 4/5 vote by the City Council.

The new wording now clearly specifies the petition can address a Future Land Use change or a Zoning District boundary change.

Additional language is now proposed that the petition must be filed no later than 10 days prior to the first regular City Council meeting where the item will be heard; that ownership shall be determined based upon the ad valorem tax rolls; that a majority of owners for each property must sign the petition; and that the petition will only be valid for 12 months from the original date that it is presented to City Council.

Section 185.203 “Modification of District Boundary Changes” is being changed simply to add the word “zoning” which should help clarify this section.

The final change is to delete Section 185.204 “Reconsideration of District Boundary Changes.” This section is not needed as it is redundant. Section 51.05 (B) currently requires a 12-month waiting period for an application that has been denied.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed changes as they will help to further protect the public interest by allowing a majority of property owners to raise the standards for a Council approval, and to also allow more time for applications to be heard, by creating a waiting period between repeat or redundant applications. These requirements would put Palm Bay's regulations in line with those of other, nearby communities.

TITLE V: LEGISLATIVE

CHAPTER 51: PUBLIC HEARINGS

§ 51.04 WITHDRAWALS.

In the event an applicant withdraws a matter >>after the commencement of a public hearing before the City Council<< ~~that has been advertised for a public hearing~~, any re-application for such matter or a matter with similar issues shall >>not be filed again with the City Council or a board for a period of six (6) months from the date of the public hearing from which it was withdrawn. All withdrawn matters shall<< be required to meet all public notification requirements, including but not limited to: re-advertisement, courtesy notices, and posting of the property.

§ 51.05 DENIAL OF REQUEST BY COUNCIL OR BOARD.

(A) Should either the City Council or any board vote to deny the request made by an applicant and presented at a public hearing, the same or similar issue presented at such public hearing cannot be refiled with the City Council or any board for the minimum period of twelve (12) months after the date of such denial. >>Such restriction shall not apply to the owner of real property if the original request was initiated by the City Council, Planning and Zoning Board, or any department or agency of the City.<<

(B) However, the City Council or any board may reconsider the same or similar issue within the twelve (12) month period if a mistake, inadvertence, surprise or excusable neglect has occurred as a result of the actions of the applicant or the city, provided that the event directly or indirectly formed a basis for the City Council's or any board's decision to deny the request at the public hearing.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

>>§ 185.203 PROTEST BY PROPERTY OWNERS

In the case of a protest petition against a change in a Future Land Use designation or zoning district classification of a particular property signed by the owners of sixty-seven percent (67%) or more of either the lots included in the proposed change or of those lots immediately adjacent thereto, defined as five hundred (500) feet as the crow flies, said petition shall be required to be filed no later than ten (10) days prior to the first regular City Council meeting at which such ordinance codifying the Future Land Use designation or zoning district change is first heard, such amendment shall not become effective except by a favorable vote of four (4) members of the City Council.

If a parcel of land is owned by two or more persons or legal entities, a majority of said owners must endorse the protest petition. In determining whether or not a protestor executing a petition is a fee simple owner of real property able to protest as provided herein, the City shall use the most current ad valorem tax rolls maintained by Brevard County or more current evidence of ownership may be provided in the form of a fully executed and recorded deed submitted to the City by the protestor.

Any such signed and submitted protest petition shall remain in full force and effect for such requested Future Land Use designation or zoning district change whether or not the petition for such requested change is withdrawn or postponed to future date whether certain or unspecified for a period not to exceed twelve (12) months from the original date from when such petition is presented to the City Council.<<

§ 185.203>>4<< MODIFICATION OF >>ZONING<< DISTRICT BOUNDARY CHANGES.

If a request for a >>zoning<< district boundary change is for a >>zoning<< district more liberal than the existing >>zoning<< district, and the Planning and Zoning Board or the City Council determines that the request should be denied, the Planning and Zoning Board may recommend, and/or the City Council may change the >>zoning<< district classification for the property to any >>zoning<< district classification that is less restrictive than the requested zoning classification consistent with the Future Land Use Map.

~~§ 185.204 RECONSIDERATION OF DISTRICT BOUNDARY CHANGES.~~

~~When a proposed change in district boundaries has been acted upon by the City Council and disapproved or failed to pass, such proposed change, in the same or substantially similar form, shall not be reconsidered by the City Council, for a period of six (6) months. Such restriction shall not apply to the owner if the original request was initiated by the City Council, Planning and Zoning Board, or any department or agency of the city.~~



LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 51.04 Withdrawals
Section 51.05 Denial of Request by Council or Board
Section 185.203 (New) Protest by Property Owners
Section 185.203 (Revised) Modification of District Boundary
Section 185.204 Reconsideration of District Boundary Changes

PROPOSED LANGUAGE (attach addendum if necessary):

See Attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

Request by a member of City Council (Councilman Bailey) to reinstate Protest Petitions by Property Owners (previously removed) to require a Super Majority if a significant number of property owners object to a Future Land Use or zoning change.

CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☐

***\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Laurence Bradley Digitally signed by Laurence Bradley
Date: 2021.01.13 09:33:27 -05'00' Date 1/13/2021

Printed Name of Applicant Laurence Bradley, AICP, Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32905

Telephone (321) 733-3041 Email laurence.bradley@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

CASE T-6-2021

CORRESPONDENCE

Chandra Powell

From: Darlene Bennett <d.bennett64@yahoo.com>
Sent: Sunday, January 31, 2021 7:32 PM
To: Chandra Powell
Subject: Ordinance 185.203

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Palm Bay Planning & Zoning,
I'm writing to you in Support of Reinstating Ordinance 185.203 @ 67%.
This Ordinance will bring our city in line with Melbourne & other Florida cities that have this protection for their residents.
Sincerely
Darlene Bennett
1785 Plantation Cir SE
Palm Bay Fl 32909
540 318 9423

Sent from Yahoo Mail on Android

Chandra Powell

From: c.bennett62@yahoo.com
Sent: Sunday, January 31, 2021 7:40 PM
To: Chandra Powell
Subject: Ordinance 185.203

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Palm Bay Planning & Zoning Board,
I'm writing to you in SUPPORT of Reinstating Ordinance 185.203 @67%.
This Ordinance will bring our city in line with Melbourne and other Florida cities that have this protection for their residents.

Arthur Bennett
1785 Plantation Cir SE
Palm Bay FL 32909
540 408 7631

Sent from Yahoo Mail on Android

Chandra Powell

From: Jane Clary <claryt@fit.edu>
Sent: Monday, February 1, 2021 12:19 PM
To: Chandra Powell
Subject: Reinstating Residents Rights 185.203

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Palm Bay Planning and Zoning board

This email is being written in support of reinstating ordinance 185.203 at 67%. This ordinance will bring our City in line with Melbourne and other Florida Cities that have this protection for their residents.

When there is a great number of residents who would be affected by a requested change in the Comprehensive Plan & Zoning, the City Council should have to take special notice of their issues and the vote should be a super majority instead of a simple majority.

This will not tie up the City Council in anyway, if the change make good sense, there should be no problem getting the votes needed.

Thanks,

T. Jane Clary
1835 Plantation Cir. SE
Palm Bay, FL 32909
321-537-4917

55 Year Palm Bay Resident
3rd Generation Palm Bay Resident

Chandra Powell

From: Trevor <tfilis@cfl.rr.com>
Sent: Monday, February 1, 2021 5:19 PM
To: Chandra Powell
Subject: Reinstatement of Residents Rights 185.203

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chandra Powell,

I support the reinstatement of residents right to petition as outlined in 185.203 at 67%. We citizens of Palm Bay have a right to that petition. Please add my support to the Planning and Zoning agenda.

Thank you,

Trevor Filis
1779 Plantation Cir SE
32909
321-724-8081

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Chandra Powell

From: Linda Filis <lfilis@yahoo.com>
Sent: Tuesday, February 2, 2021 1:49 PM
To: Chandra Powell
Subject: Reinstatement of Residents Rights 185.203

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chandra Powell,

I support the reinstatement of residents right to petition as outlined in 185.203 at 67%. We citizens of Palm Bay have a right to that petition. Please add my support to the Planning and Zoning agenda.

Thank you,

Linda Filis
1779 Plantation Cir SE
Palm Bay, FL 32909
321-724-8081
LFilis@yahoo.com

Chandra Powell

From: gfilis@cfl.rr.com
Sent: Tuesday, February 2, 2021 2:02 PM
To: Chandra Powell
Subject: Reinstatement of Residents' Rights

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Powell,

I support the reinstatement of Palm Bay citizens right to petition their government as outlined in the past city ordinances paragraph 185.203 at 67% before the city council overstepped its bounds and removed it. We citizens of Palm Bay have a right to that petition. Please convey my support to the Planning and Zoning board and the city council, and thank Councilman Bailey for re-introducing the ordinance.

Thank you,

Greg Filis
1779 Plantation Cir SE
32909
321-724-8081

gfilis@cfl.rr.com



Virus-free. www.avast.com

Chandra Powell

From: Stuart Filis <sfilis@cfl.rr.com>
Sent: Tuesday, February 2, 2021 2:25 PM
To: Chandra Powell
Subject: Support for T-6-2021: Reinstatement of Residents Rights

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Chandra Powell,

I strongly support Planning and Zoning agenda item T-6-2021, the reinstatement into the Palm Bay Code of Ordinances section 185.203, "Protest by Property Owners". We, the citizens of Palm Bay absolutely deserve the right to that petition to be restored. Please add my support to the Planning and Zoning agenda.

Thank you,

Stuart Filis
1779 Plantation Cir SE
32909
321-724-8081

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2021-03

Held on Wednesday, February 3, 2021, in the Tony Rosa Community Center, Rooms A and B, 1502 Port Malabar Road NE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Khalilah Maragh led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Absent	(Excused)
MEMBER:	Donald Boerema	Present	
MEMBER:	James Boothroyd	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Present	
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa	Absent	
	(School Board Appointee)		

Ms. Jordan's absence was excused.

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Special Planning and Zoning Board/Local Planning Agency Meeting 2021-02; January 19, 2021. Motion by Ms. Maragh, seconded by Mr. Hill to approve the minutes as presented. The motion carried with members voting unanimously.

Mr. Boerema questioned how Fairway Crossings, a gated community, had become open. He inquired about the private entrance off of Eldron Boulevard. Mr. Wise stated that Fairway Crossings was still gated. A code was needed to enter the community, but the gates might be left open due to repairs, vehicles might tailgate their way in, and codes may have been shared. He confirmed that the entrance off of Eldron Boulevard was privately owned by the Summerfield Homeowners Association and could not be accessed without their agreement. Ms. Maragh remarked that an Eldron Boulevard connection should be explored.

The floor was closed for public comments and there was one item of correspondence against the request in the file.

Motion by Ms. Maragh, seconded by Mr. Hill to submit Case FD-4-2021 to City Council for Final Development Plan approval of a proposed PUD, Planned Unit Development to allow a 171-lot single-family development called The Preserves at Stonebriar Phase II, subject to the staff comments contained in the staff report. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Mr. Boerema	Nay
Mr. Boothroyd	Aye
Mr. Hill	Aye
Ms. Maragh	Aye
Mr. Warner	Aye

2. ****CU-5-2021 - FAR RESEARCH, INC. (AVID GROUP, LLC AND AKERMAN, LLP, REPS.)**

Case CU-5-2021 was discussed following Announcements.

3. **T-6-2021 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT – REQUESTED BY COUNCILMAN JEFF BAILEY)**

Mr. Bradley presented the staff report for Case T-6-2021. The City of Palm Bay had requested a textual amendment to the Code of Ordinances, Title V, Legislative, Chapter 51: Public Hearings, Sections 51.04 and 51.05, to modify provisions for

withdrawal and denial of public hearing requests; and to amend Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.203 and 185.204, to modify provisions for protest petitions by property owners. Staff recommended Case T-6-2021 for approval.

Ms. Maragh wanted to know how the amendment would affect residents petitioning against requests. Mr. Bradley explained that protest petitions would have to be signed by 67 percent or two-thirds of property owners within a 500-foot radius of a subject site submitted for a land use and/or zoning change.

The floor was opened for public comments.

Mr. Ken Smith (resident at Plantation Circle SE) spoke in favor of the request. He commented that many Palm Bay residents researched their neighborhoods prior to purchasing their properties. However, land use and zoning requests would later occur, so re-establishing petitions would give residential neighborhoods a voice and put Palm Bay back in line with surrounding municipalities.

The floor was closed for public comments, and there were seven items of correspondence in the file in favor of the request.

Mr. Warner asked how the board's authority would be affected by the amendment. Mr. Bradley explained that protest petitions would only affect City Council. The board would be affected by applicant withdrawn cases and cases denied by City Council. Mr. Weinberg noted that the board would also be allowed to recommend zoning classifications other than requested by the applicant. Mr. Bradley stated that the board currently had the ability to modify zoning requests, but the amendment clarified the language.

Motion by Ms. Maragh, seconded by Mr. Hill to submit Case T-6-2021 to City Council for approval of a textual amendment to the Code of Ordinances, Title V, Legislative, Chapter 51: Public Hearings, Sections 51.04 and 51.05, to modify pro a textual amendment to the Code of Ordinances, Title V, Legislative, Chapter 51: Public Hearings, Sections 51.04 and 51.05, to modify provisions for withdrawal and denial of public hearing requests; and to amend Title XVII, Land Development Code,

Chapter 185: Zoning Code, Sections 185.203 and 185.204, to modify provisions for protest petitions by property owners.

Mr. Weinberg commented that Section 51.05 to prohibit same or similar requests previously denied from being resubmitted for 12 months was too vague in defining what was considered similar. He stated in regard to Section 185.203, that property owners already had a voice before the board and City Council, and that requiring a super majority vote by City Council was unnecessary. The only City Council action to require a super majority vote was per City Charter to exceed the ad valorem cap.

Mr. Boothroyd asked for clarification on what would permit the resubmittal of a denied project prior to 12 months. Mr. Bradley stated that the project could not be the same or similar. Ms. Maragh asked if the wording could be adjusted for further clarification. Mr. Bradley explained that staff currently made the determinations on whether denied requests could be resubmitted. The language currently existed in the code and was not part of the proposed amendment.

Ms. Maragh wanted to know the relevance of the super majority vote requirement versus a majority vote. Mr. Bradley stated that the super majority vote was a higher threshold based on the protest petition. The Cities of Melbourne, West Melbourne, and Brevard County had comparable language, and the Florida Supreme Court had determined super majority votes based on protest petitions were legally permissible within codes of ordinances. Mr. Weinberg believed a super majority vote would handcuff the majority of City Council.

A vote was called on the motion by Ms. Maragh, seconded by Mr. Hill to submit Case T-6-2021 to City Council for approval of a textual amendment to the Code of Ordinances, Title V, Legislative, Chapter 51: Public Hearings, Sections 51.04 and 51.05, to modify pro a textual amendment to the Code of Ordinances, Title V, Legislative, Chapter 51: Public Hearings, Sections 51.04 and 51.05, to modify provisions for withdrawal and denial of public hearing requests; and to amend Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.203 and 185.204, to modify provisions for protest petitions by property owners. The motion failed with members voting as follows:

Mr. Weinberg	Nay
Mr. Boerema	Nay
Mr. Boothroyd	Aye
Mr. Hill	Nay
Ms. Maragh	Nay
Mr. Warner	Nay

Mr. Boothroyd commented that if 67 percent of property owners petitioned against a request, City Council should support the protest.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 8:03 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding

ORDINANCE 2021-12

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 51, PUBLIC HEARINGS, BY MODIFYING PROVISIONS FOR WITHDRAWALS AND DENIALS OF PUBLIC HEARING REQUESTS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 51, Public Hearings, Section 51.04, Withdrawals, and Section 51.05, Denial of Request by Council or Board, is hereby amended and shall henceforth read as follows:

“Section 51.04 WITHDRAWALS.

In the event an applicant withdraws a matter ~~that has been advertised for a public hearing~~ >>after the commencement of a public hearing before the City Council<<, any re-application for such matter or a matter with similar issues shall >>not be filed again with the City Council or a board for a period of six (6) months from the date of the public hearing from which it was withdrawn.<<>> However, the six (6) month period may be waived if there is a substantial change in the application. The Growth Management Director shall determine if the subsequent application is substantially different from the previously denied application by evaluating the reasons for denial, consistency with the comprehensive plan, compatibility with the surrounding area and other applicable factors in the land development code.<<>> All withdrawn matters shall<< be required to meet all public notification requirements, including but not limited to: re-advertisement, courtesy notices, and posting of the property.

Section 51.05 DENIAL OF REQUEST BY COUNCIL OR BOARD.

(A) Should either the City Council or any board vote to deny the request made by an applicant and presented at a public hearing, the same or similar issue presented at such public hearing cannot be refiled with the City Council or any

board for the minimum period of twelve (12) months after the date of such denial. >>However, the twelve (12) month period may be waived if there is a substantial change in the application. The Growth Management Director shall determine if the subsequent application is substantially different from the previously denied application by evaluating the reasons for denial, consistency with the comprehensive plan, compatibility with the surrounding area and other applicable factors in the land development code.<<>> Such restriction shall not apply to the owner of real property if the original request was initiated by the City Council, Planning and Zoning Board, or any department or agency of the City.<<

(B) However, the City Council or any board may reconsider the same or similar issue within the twelve (12) month period if a mistake, inadvertence, surprise or excusable neglect has occurred as a result of the actions of the applicant or the city, provided that the event directly or indirectly formed a basis for the City Council's or any board's decision to deny the request at the public hearing."

SECTION 2. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 3. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 4. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-06, held on March 4, 2021; and read in title only
and duly enacted at Meeting 2021- , held on , 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case: T-6-2021

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Frank Watanabe, Public Works Director/City Engineer

DATE: 3/18/2021

RE: Ordinance 2021-17, vacating a portion of the rear public utility and drainage easement located within Lots 33 and 34, Block 1842, Port Malabar Unit 39 (Case VE-1-2021, Richard Defay), first reading.

Richard Defay has submitted an application to vacate the Northeasterly 6 feet of the Southwesterly 10 foot Public Utility and Drainage Easement; less and except the Northerly 6 foot Public Utility and Drainage Easements, thereof, containing 987.27 square feet, more or less of Lots 33 & 34, Block 1842, Port Malabar Unit 39, according to the Plat thereof, as Recorded in Plat Book 21, Pages 24-48, of the Public Records of Brevard County, Florida, for an in-ground pool and screen enclosure.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None.

RECOMMENDATION:

Motion to approve request for Consideration per the recommendation section on Staff Report.

ATTACHMENTS:

Description

Vacate of Easement

Ordinance 2021-17

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: To vacate the Northeasterly 6 feet of the Southwesterly 10 foot Public Utility and Drainage Easement, less and except the Northerly 6 foot Public Utility and Drainage Easement, thereof containing 987.27 square feet more or less of Lots 33&34, Block 1842, Port Malabar Unit 39, according to the Plat thereof, as Recorded in Plat Book 21, Pages 24-48, of the Public Records of Brevard County, Florida, for an inground pool and screen enclosure.

LOCATION: 526 De Leon Court NW
(Lots 33&34, Block 1842, Port Malabar Unit 39)

APPLICANT: Richard Defay

SITE DATA

PRESENT ZONING: RS-2 – Single-Family Residential

AREA OF VACATING: 987.27 square feet, more or less

ADJACENT ZONING	N	RS-2 – Single-Family Residential
& LAND USE:	E	RS-2 – Single-Family Residential
	S	RS-2 – Single-Family Residential
	W	RS-2 – Single-Family Residential

STAFF ANALYSIS:

To vacate the Northeasterly 6 feet of the Southwesterly 10 foot Public Utility and Drainage Easement, less and except the Northerly 6 foot Public Utility and Drainage Easement, thereof containing 987.27 square feet more or less of Lots 33&34, Block 1842, Port Malabar Unit 39, according to the Plat thereof, as Recorded in Plat Book 21, Pages 24-48, of the Public Records of Brevard County, Florida, for an inground pool and screen enclosure.

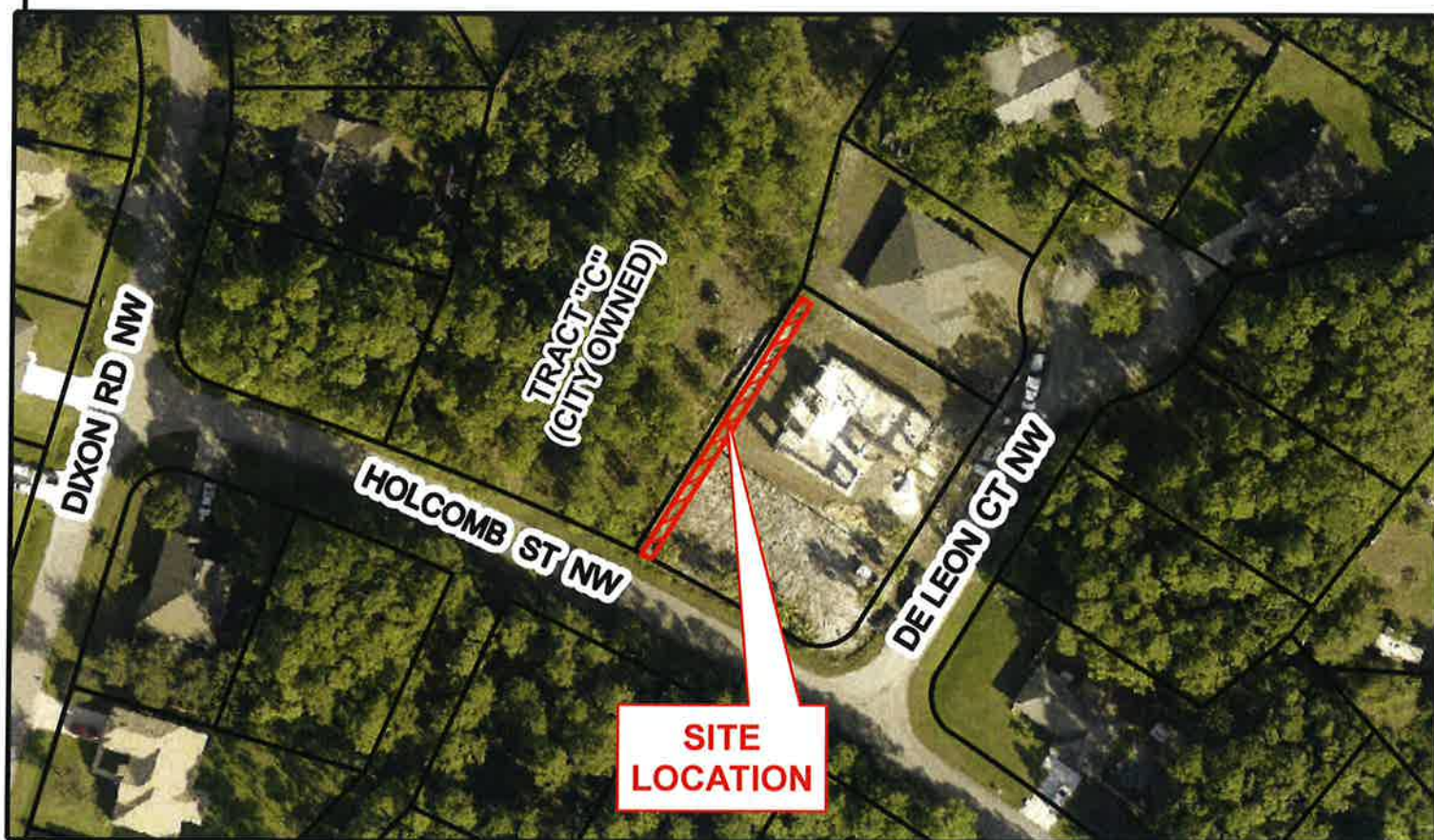
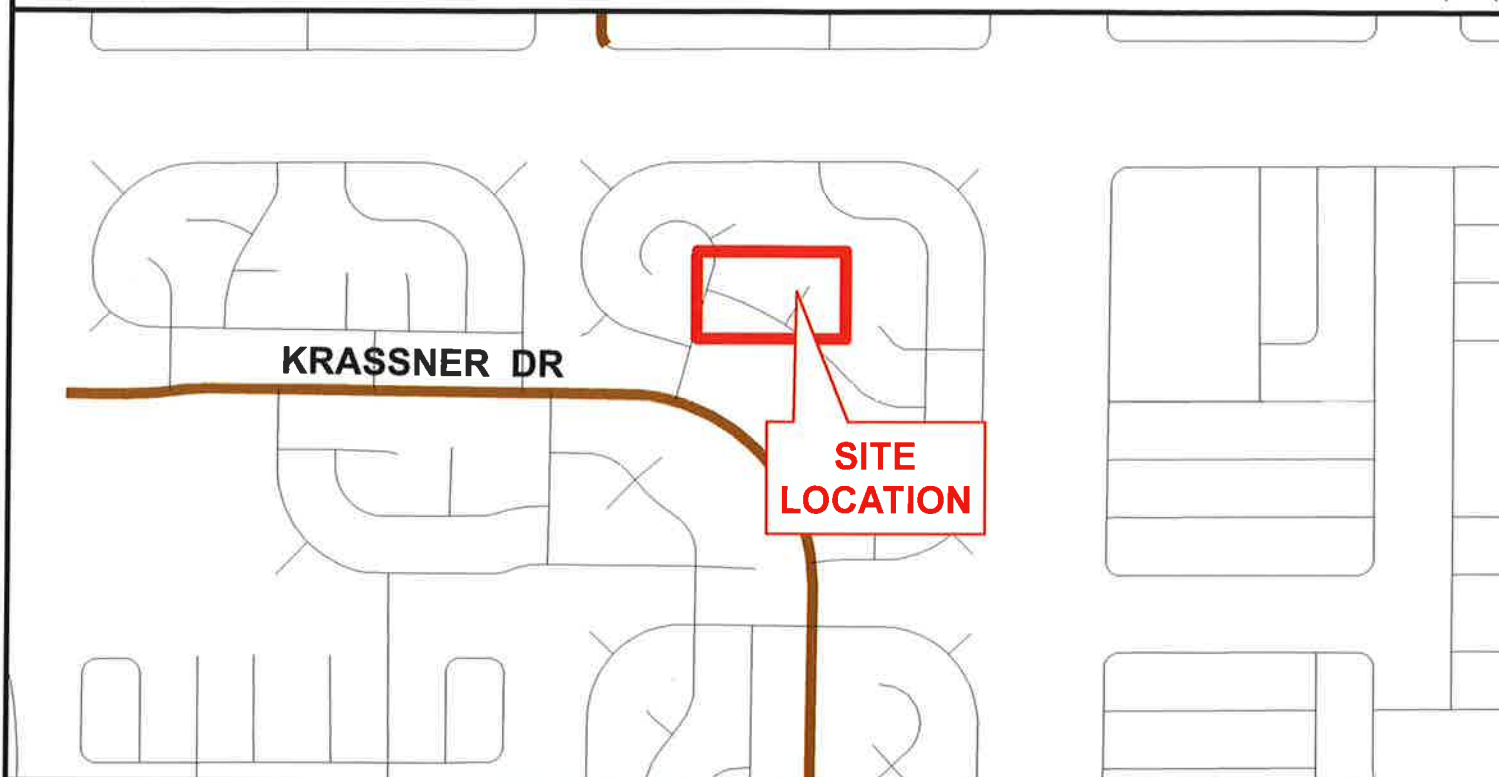
AT & T, Florida Power and Light, Spectrum, and Melbourne-Tillman Water Control District have no objections to the vacating request.

The City of Palm Bay's Departments have the enclosed comments relating to the vacating request. It should be noted that city policy allows for the approval of a vacation request for the first 5 feet, along city owned canals, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the Northeasterly 6 feet of the Southwesterly 10 foot Public Utility and Drainage Easement, less and except the Northerly 6 foot Public Utility and Drainage Easement, thereof containing 987.27 square feet more or less of Lots 33&34, Block 1842, Port Malabar Unit 39, according to the Plat thereof, as Recorded in Plat Book 21, Pages 24-48, of the Public Records of Brevard County, Florida, for such an endeavor.

STAFF RECOMMENDATION:

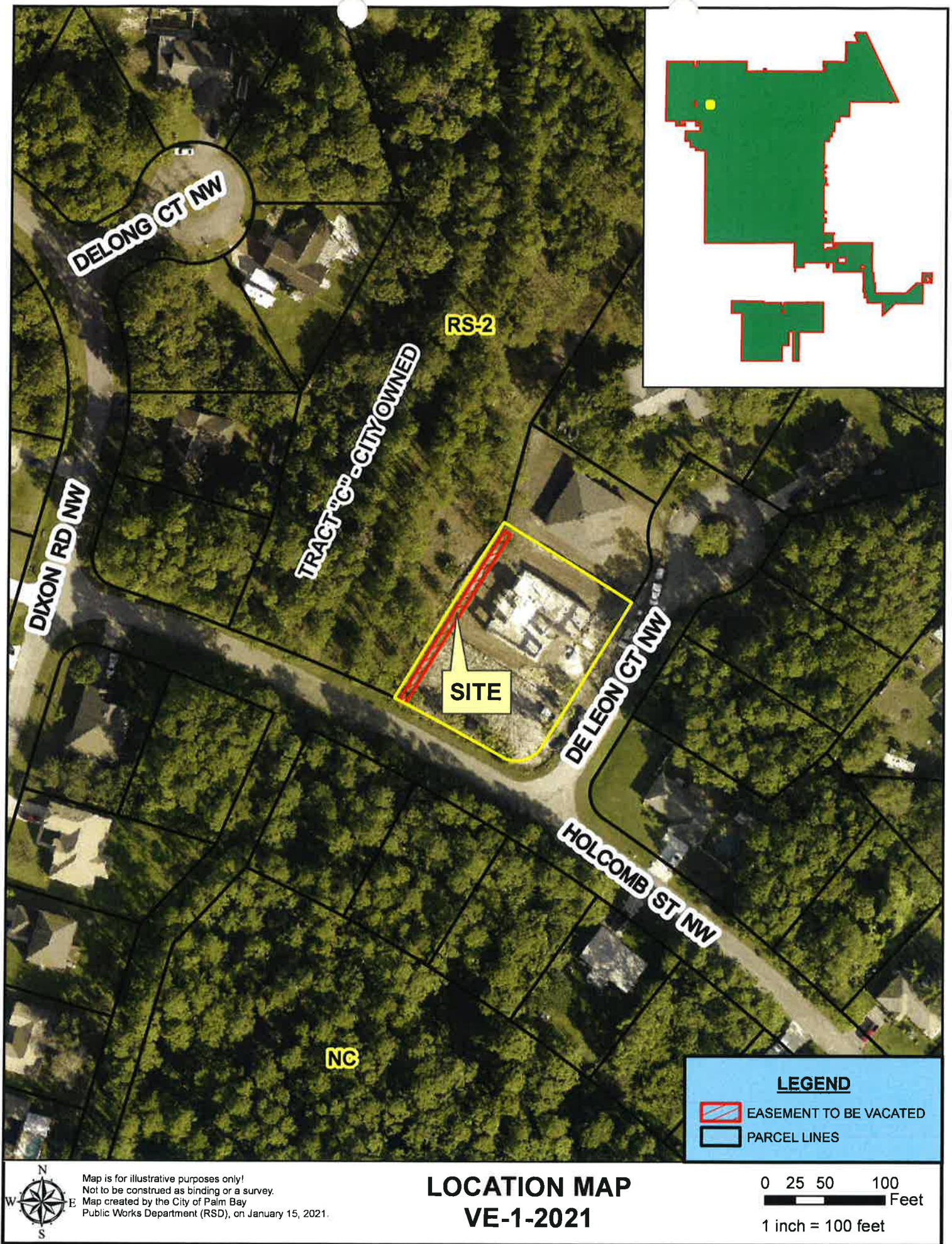
Staff recommends approval of the vacating of easement per the analysis section of this staff report.



Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on January 15, 2021.

VE-1-2021

0 25 50 100
Feet
1 inch = 100 feet



SKETCH & DESCRIPTION

SECTION 34, TOWNSHIP 28 SOUTH, RANGE 36 EAST
(NOT A BOUNDARY SURVEY)

SHEET 1 OF 2
NOT VALID WITHOUT THE
SKETCH ON SHEET 2 OF 2

LEGAL DESCRIPTION:

A PORTION OF A 10 FEET WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOTS 33 AND 34, BLOCK 1842, PORT MALABAR UNIT THIRTY NINE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGES 24-48, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWESTERLY CORNER OF SAID LOT 33, BLOCK 1842; THENCE SOUTH 58°01'14" EAST ALONG THE NORTHERLY LINE OF SAID LOT 33, A DISTANCE OF 4.00 FEET; THENCE SOUTH 31°58'46" WEST, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 58°01'14" EAST, A DISTANCE OF 6.00 FEET; THENCE SOUTH 31°58'46" WEST, A DISTANCE OF 164.28 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF HOLCOMB STREET, SAID POINT BEING ON A CURVE WHICH IS CONCAVE SOUTHERLY, HAVING A RADIUS OF 1625.00 FEET AND A CENTRAL ANGLE OF 0°12'45"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 6.02 FEET; THENCE NORTH 31°58'46" EAST, A DISTANCE OF 164.81 FEET TO THE POINT OF BEGINNING.

PREPARED BY:



1350 MALABAR ROAD S.E., SUITE 1, PALM BAY, FLORIDA 32907
Phone (321)724-2940 Fax(321)951-4879
E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM



Kevin A. Smith
KEVIN A. SMITH - FLORIDA CERTIFICATE NO. 4457
(NOT VALID UNLESS SIGNED AND SEALED)

PREPARED FOR: RICHARD J. DEFAY; COOL POOLS

DRAWN BY: A. TEJADA

DATE: DEC. 21, 2020

CHECKED BY: KAS

SHEET 1 OF 2

DRAWING NO. 20-2146

REVISIONS

SECTION 34

TOWNSHIP 28 SOUTH

RANGE 36 EAST

SHEET 2 OF 2

NOT VALID WITHOUT THE LEGAL
DESCRIPTION ON SHEET 1 OF 2

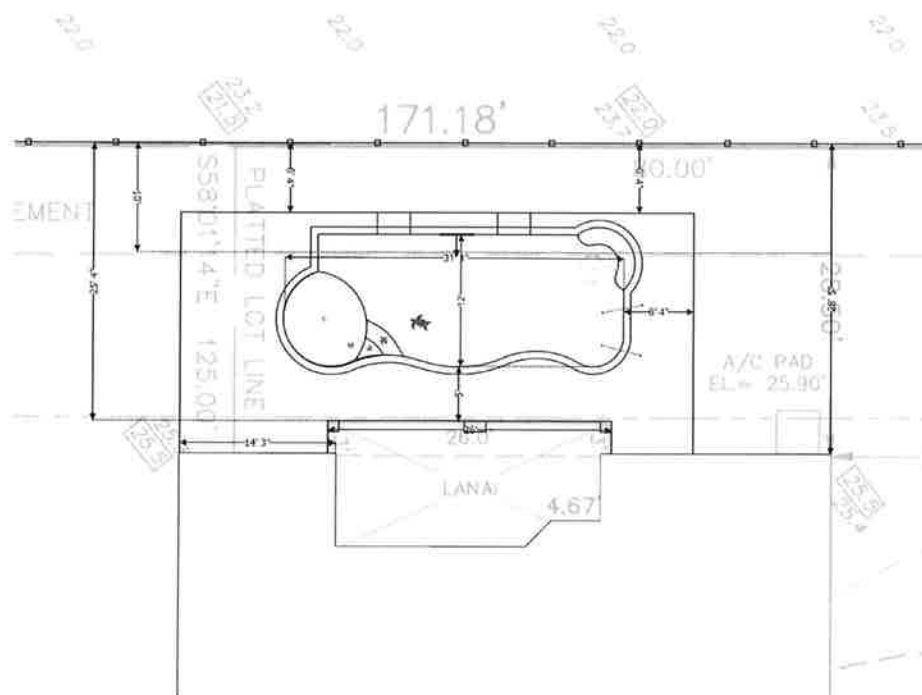
LOT 32, BLOCK 1842
RESIDENCE



SMITH & Assoc.
SURVEYING &
MAPPING, INC.

1350 MALABAR ROAD S.E., SUITE 1 , PALM BAY, FLORIDA 32907
Phone (321)724-2940 Fax(321)951-4879
E-MAIL: SMITHSURVEYINGEL @ GMAIL.COM

SCALE: 1" = 30'





PUBLIC WORKS DEPARTMENT

1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907

PHONE: (321) 952-3403

EMAIL: pwpermitting@palmabayflorida.org

REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY

This application must be completed, legible, and returned, with all attachments referred to herein, to the Public Works Department, Palm Bay, Florida. The request will then be reviewed by City staff and scheduled before the City Council. A minimum of eight (8) weeks is required to process the application. You or your representative are required to attend the hearing and will be notified by mail of the date and time of the meeting. The meeting will be held at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

Name of Applicant (Please print): RICHARD DEFAY

Address: 526 DE LEON COURT NW

City: PALM BAY

Zip Code: 32907

Phone Number: 954 290 8025

Business Phone Number: _____

Fax Number: _____

Email: RICHARD1DEFAY@GMAIL.COM

LEGAL DESCRIPTION, PREPARED BY A CERTIFIED SURVEYOR, OF THAT PORTION OF THE EASEMENT REQUESTING TO BE VACATED UPON WHICH THE ENCROACHMENT IS PROPOSED OR CURRENTLY EXISTS:

DOCUMENT ATTACHED

Lots 33+34, Block 1842, Port Malabar Unit 39

Section: 34

Township: 28

Range: 36

Size of area covered by this application (calculate acreage): _____

Zoning classification at present: _____

Which action applying for (easement, drainage): EASEMENT

Reason for requesting vacation and intended use: INSTALL INGROUND SWIMMING POOL WITH SCREEN ENCLOSURE

If the encroachment currently exists, provide the date that a permit was issued by the Building Division.

The following enclosures are needed to complete this application.

- ☒ \$182.00 Application Fee. Make check payable to "City of Palm Bay".
- ☒ List of names and addresses of property owners abutting the lot or parcel within which the easement or drainage right-of-way is located;
- ☒ Copy of plat, map, etc. depicting area location of easement or drainage right-of-way to be vacated.
- ☒ Original notarized letters from the utility and service companies are required stating whether or not they object to or if there is no interest in the vacating of the easement or drainage right-of-way. If equipment lies within the easement or drainage right-of-way requested for vacation, the applicant shall be responsible for any expenses incurred for relocating same, unless other arrangements have been made with the company.
 - a) Florida Power & Light Company;
 - b) AT&T Telecommunications;
 - c) Spectrum Cable;
 - d) Melbourne-Tillman Water Control District (if applicable);
 - e) Florida City Gas (if applicable);
 - f) Holiday Park, Board of Directors (if applicable).

Are you the property owner of record? ☒ Yes ☐ No

If no, a notarized letter from the property owner must be attached giving consent to the applicant to request the vacating.

Contact the Land Development Division (321-733-3042) as to whether a variance is required. If Required, YOU MUST OBTAIN APPROVAL FOR THE VARIANCE PRIOR TO PROCEEDING WITH THE VACATING REQUEST.

☐ Required ☒ Not Required

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION AND ALL DATA ATTACHED MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE CITY COUNCIL.

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant  Date 01/04/2021

Printed Name of Applicant RICHARD DEFAY

FOR OFFICE USE ONLY

Land Development Division _____ Date _____

The following enclosures are needed to complete this application:

- ☒ \$182.00 Application Fee. Make check payable to "City of Palm Bay".
- ☒ List of names and addresses of property owners abutting the lot or parcel within which the easement or drainage right-of-way is located;
- ☒ Copy of plat, map, etc. depicting area location of easement or drainage right-of-way to be vacated.
- ☒ Original notarized letters from the utility and service companies are required stating whether or not they object to or if there is no interest in the vacating of the easement or drainage right-of-way. If equipment lies within the easement or drainage right-of-way requested for vacation, the applicant shall be responsible for any expenses incurred for relocating same, unless other arrangements have been made with the company.
 - a) Florida Power & Light Company;
 - b) AT&T Telecommunications;
 - c) Spectrum Cable;
 - d) Melbourne-Tillman Water Control District (if applicable);
 - e) Florida City Gas (if applicable);
 - f) Holiday Park, Board of Directors (if applicable).

Are you the property owner of record? ☒ Yes ☐ No

If no, a notarized letter from the property owner must be attached giving consent to the applicant to request the vacating.

Contact the Land Development Division (321-733-3042) as to whether a variance is required. If Required, YOU MUST OBTAIN APPROVAL FOR THE VARIANCE PRIOR TO PROCEEDING WITH THE VACATING REQUEST.

☐ Required ☒ Not Required

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION AND ALL DATA ATTACHED MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE CITY COUNCIL.

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date 01/04/2021

Printed Name of Applicant

RICHARD DEFAY

FOR OFFICE USE ONLY

Land Development Division

Date

January 14, 2021

Re: Letter of Authorization

As the property owner of the site legally described as 526 DeLeon Ct. NW
Palm Bay, FL 32907 - Lots 33 & 34, Block 1842, Port Malabar Unit 39

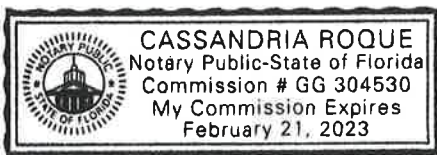
I hereby authorize Cool Pools
to represent my Vacate of Easement application for said property.

[Signature]
(Signature)

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this January 14, 2021
by Richard J. Defay, who is personally known by me or
who has produced FLDL as identification,
and who did /did not take an oath.

(SEAL)



[Signature]
, Notary Public

Serial No. # GG 304530
My commission expires Feb 21 2023

ORIGINAL

ORDINANCE 2021-17

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TEN (10) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOTS 33 AND 34, BLOCK 1842, PORT MALABAR UNIT 39, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 25, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Richard Defay has requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

WHEREAS, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lots 33 and 34, Block 1842, Port Malabar Unit 39, according to the plat thereof as recorded in Plat Book 21, Page 25, of the Public Records of Brevard County, Florida, Section 34, Township 28S, Range 36E, being more particularly described as follows:

Commence at the northwesterly corner of said Lot 33, Block 1842; thence S 58°01'14" E along the northerly line of said Lot 33, a distance of 4.00 feet; thence S 31°58'46" W, a distance of 6.00 feet to the Point of Beginning; thence S 58°01'14" E, a distance of 6 feet; thence S 31°58'46" W, a distance of 164.28 feet to a Point on the northerly right-of-way line of Holcomb Street, said point being on a curve which is concave southerly, having a radius of 1625.00 feet and a central angle of 0°12'45"; thence westerly along said curve an arc distance of 6.02 feet; thence N 31°58'46" E, a distance of 164.81 feet to the Point of Beginning; containing 987.27 square feet, more or less.

SECTION 2. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2021- , held on , 2021; and read in title only and duly enacted at Meeting 2021- , held on , 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Richard Defay
Case: VE-1-2021

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Frank Watanabe, Public Works Director/City Engineer

DATE: 3/18/2021

RE: Ordinance 2021-18, vacating a portion of the rear public utility and drainage easement located within Lot 17, Block 2367, Port Malabar Unit 45 (Case VE-2-2021, David Devenney), first reading.

David Devenney has submitted an application to vacate the North 10 feet of the South 20 foot Public Utility and Drainage Easement, less and except the Easterly 6 foot and Westerly 20 foot Public Utility and Drainage Easements, thereof containing 1040 square feet, more or less of Lot 17, Block 2367, Port Malabar Unit 45, according to the Plat thereof, as Recorded in Plat Book 22, Pages 3-23, of the Public Records of Brevard County, Florida, for a pre-manufactured shed (12' X 16').

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve the request for consideration per the recommendation section on Staff Report.

ATTACHMENTS:

Description

Vacate of Easement - VE-2-2021

Ordinance 2021-18



DATE: March 5, 2021
CASE #: VE-2-2021

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: To vacate the North 10 feet of the South 20 foot Public Utility and Drainage Easement, less and except the Easterly 6 and Westerly 20 foot Public Utility and Drainage Easement, thereof containing 1040 square feet more or less of Lot 17, Block 2367, Port Malabar Unit 45, according to the Plat thereof, as Recorded in Plat Book 22, Pages 3-23, of the Public Records of Brevard County, Florida, for a pre-manufactured shed (12' X 16').

LOCATION: 926 Nixon Circle NE
(Lot 17, Block 2367, Port Malabar Unit 45)

APPLICANT: David Devenney

SITE DATA

PRESENT ZONING: RE – Estate Residential

AREA OF VACATING: 1040 square feet, more or less

ADJACENT ZONING	N	RE – Estate Residential
& LAND USE:	E	RE – Estate Residential
	S	RE – Estate Residential
	W	RE – Estate Residential

STAFF ANALYSIS:

To vacate the North 10 feet of the South 20 foot Public Utility and Drainage Easement, less and except the Easterly 6 foot and Westerly 20 foot Public Utility and Drainage Easement, thereof containing 1040 square feet more or less of Lot 17, Block 2367, Port Malabar Unit 45, according to the Plat thereof, as Recorded in Plat Book 22, Pages 3-23, of the Public Records of Brevard County, Florida, for a pre-manufactured shed (12' x 16').

AT & T, Florida Power and Light, Spectrum, and Melbourne-Tillman Water Control District have no objections to the vacating request.

The City of Palm Bay's Departments have the enclosed comments relating to the vacating request. It should be noted that city policy allows for the approval of a vacation request for the first 5 feet, along city owned canals, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the North 10 feet of the South 20 foot Public Utility and Drainage Easement, less and except the Easterly 6 foot and Westerly 20 foot Public Utility and Drainage Easement, thereof containing 1040 square feet more or less of Lot 17, Block 2367, Port Malabar Unit 45, according to the Plat thereof, as Recorded in Plat Book 22, Pages 3-23, of the Public Records of Brevard County, Florida, for such an endeavor.

STAFF RECOMMENDATION:

Staff recommends approval of the vacating of easement per the analysis section of this staff report.

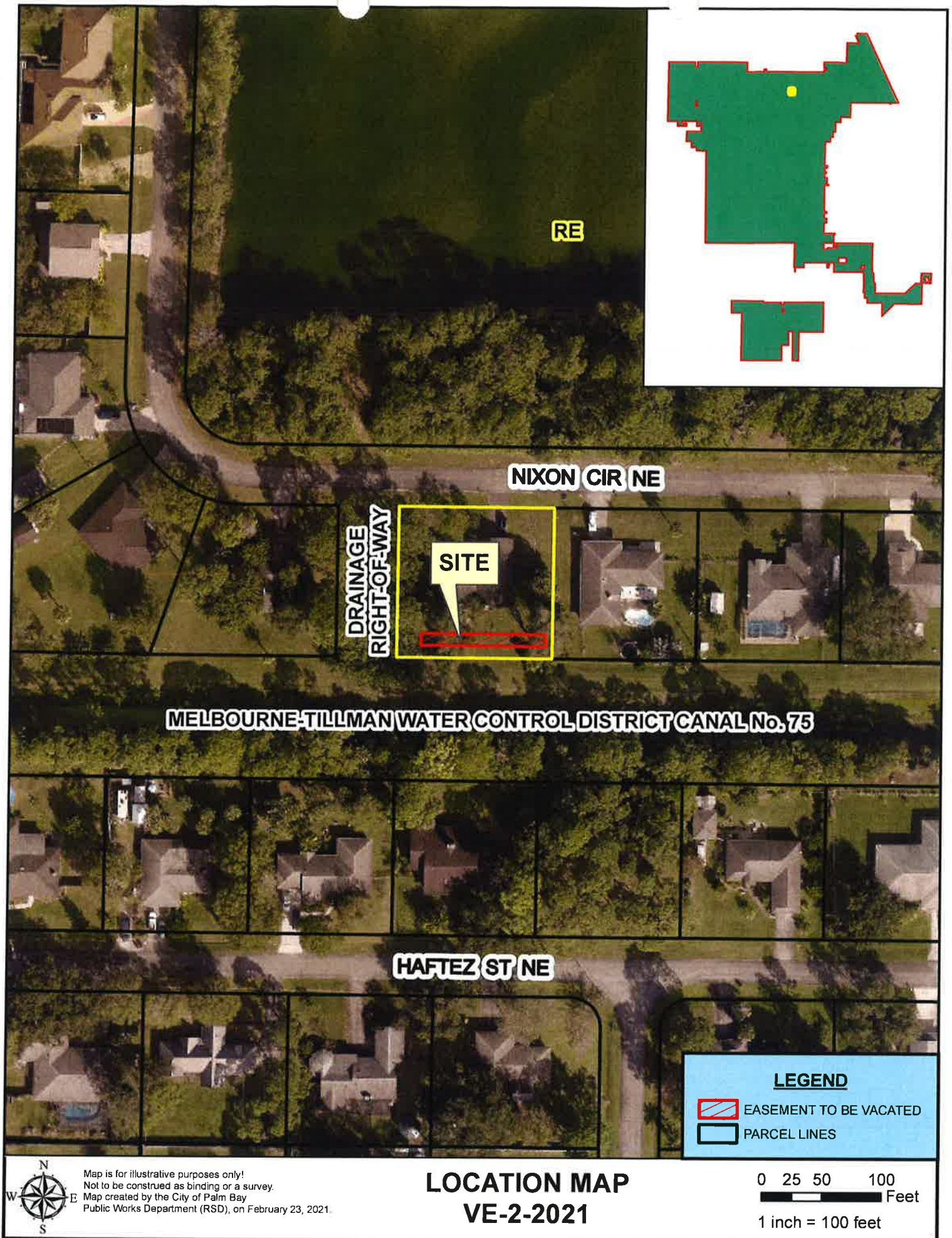
LOCATION MAP



Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on February 23, 2021.

VE-2-2021

0 25 50 100
Feet
1 inch = 100 feet

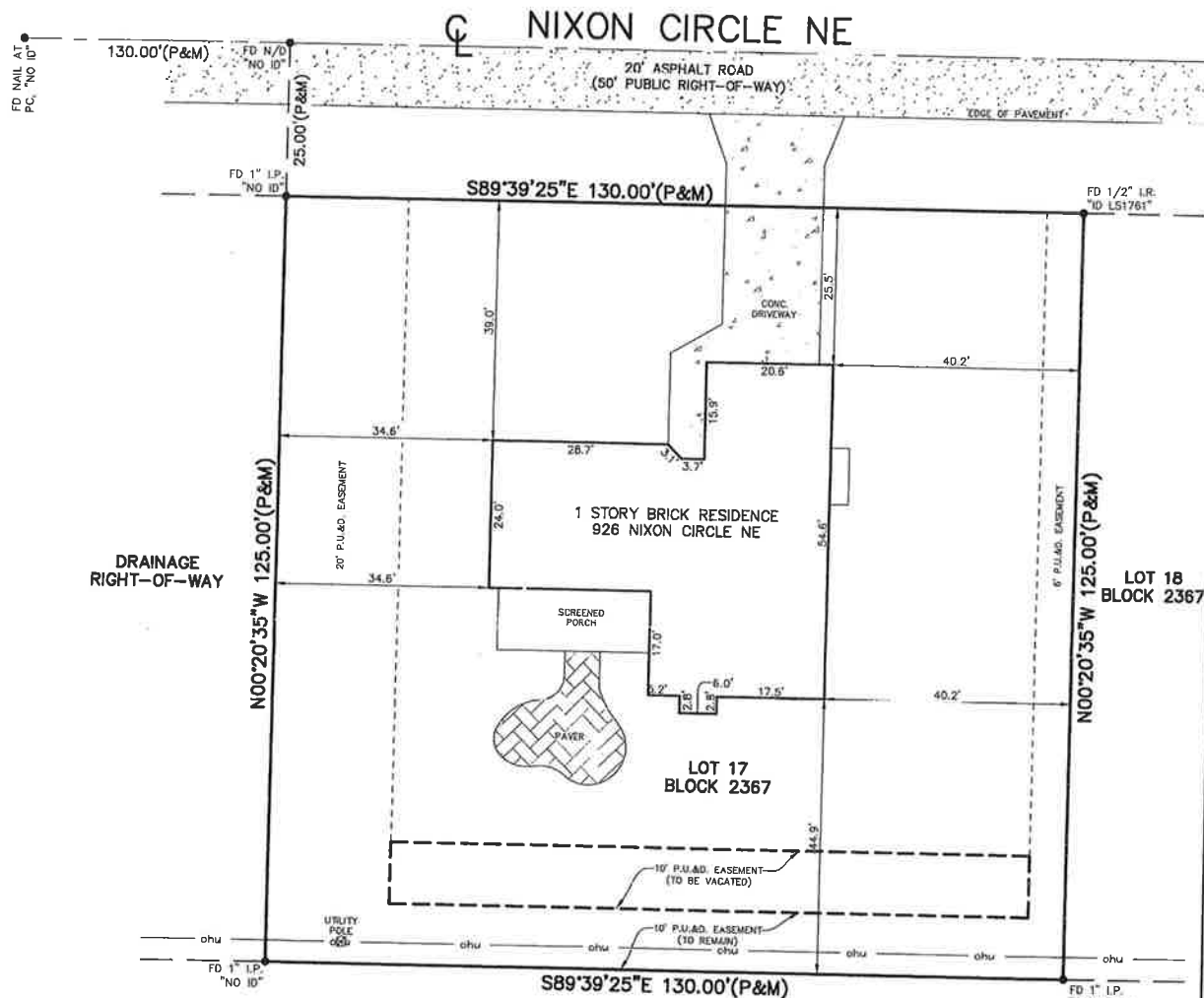


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Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on February 23, 2021.

LOCATION MAP VE-2-2021

0 25 50 100
Feet
1 inch = 100 feet

A PORTION OF LOT 17, BLOCK 2367, PORT MALABAR UNIT FORTY FIVE, AS RECORDED IN PLAT BOOK 22, PAGE 3-23, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



MELBOURNE TILLMAN DRAINAGE
DISTRICT CANAL NO. 75



PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE
MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5085
CERTIFICATE OF AUTHORIZATION LB. 6586

(AKA)	= ALSO KNOWN AS
C	CENTERLINE
CH	CONCRETE BLOCK STRUCTURE
CLF	CHAIN LINK FENCE
CH	CLEAR
CH	CHORD
CM	CONCRETE MONUMENT
CONC.	CONCRETE
COR.	CORNER
(D)	DEEDED
DEL	DELTA
FD	FOUND
ID	IDENTIFICATION
IR.	IRON PIPE
IR.	IRON ROD
L	LENGTH
LB	LICENSE BUSINESS
LS	LICENSE SURVEYOR
(M)	MEASURED
N&D	NAIL MARK
(P)	PLATTED
PT	POINT OF CURVATURE
PT	POINT OF TANGENCY
P.L.	PROPERTY LINE
S.M.	SEMI-ANNUAL SURVEYOR & MAPPER
PRC	POINT OF REVERSE CURVE
P.U.&D.	PUBLIC UTILITY & DRAINAGE
	RADIUS
R/W	RIGHT-OF-WAY
(T.P.)	TYPICAL
W	WOOD

- 1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF S.89°39'25"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF NIXON CIRCLE NE.
- 2) AS PER FLOOD INSURANCE RATE MAP NO.12009C 0594 G, INDEX DATED 03-17-2014, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.
- 3) THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.
- 4) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.
- 5) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY, RESERVATION, AGREEMENT AND/OR EASEMENTS OF RECORD, SUCH INFORMATION IF DESIRED, SHOULD BE OBTAINED AND CONFIRMED BY OTHER THROUGH APPROPRIATE TITLE VERIFICATION.
- 6) NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPS

PROJECT: **20-2239**
SCALE: **1" = 20'**
DATE: **01/05/2021**
CAD FILE: **20-2239.DWG**
F.B. NUMBER: _____
REVISION: _____

PRECISION

2900 LAKE WASHINGTON ROAD, SUITE 1
MELBOURNE, FLORIDA 32935
PHONE: 321-259-4600

EMAIL: PRECISIONSURVEYING1993@GMAIL.COM

CERTIFIED TO:
DAVID DEVENNEY

FEB 16 2021

Lot Drainage & Driveway



VE-2-2021

PUBLIC WORKS DEPARTMENT

1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907

PHONE: (321) 952-3403

EMAIL: pwpermitting@palmbayflorida.org**REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY**

This application must be completed, legible, and returned, with all attachments referred to herein, to the Public Works Department, Palm Bay, Florida. The request will then be reviewed by City staff and scheduled before the City Council. A minimum of eight (8) weeks is required to process the application. You or your representative are required to attend the hearing and will be notified by mail of the date and time of the meeting. The meeting will be held at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

Name of Applicant (Please print): DAVID DEVENNEY
 Address: 926 NIXON CIR NE
 City: PALM BAY Zip Code: 32907
 Phone Number: 330-204-9702 Business Phone Number: —
 Fax Number: — Email: ddevenney13@yahoo.com

LEGAL DESCRIPTION, PREPARED BY A CERTIFIED SURVEYOR, OF THAT PORTION OF THE EASEMENT REQUESTING TO BE VACATED UPON WHICH THE ENCROACHMENT IS PROPOSED OR CURRENTLY EXISTS:

SEE ATTACHED SURVEY.

Lot 17, Block 2367, PMU 45

Section: 29 Township: 28 Range: 37

Size of area covered by this application (calculate acreage): .024 ACRES

Zoning classification at present: RESIDENTIAL

Which action applying for (easement, drainage): EASEMENT

Reason for requesting vacation and intended use: PLACING A PRE MANUFACTURED SHED. 12' x 16'

If the encroachment currently exists, provide the date that a permit was issued by the Building Division.

The following enclosures are needed to complete this application:

1. \$182.00 Application Fee. Make check payable to "City of Palm Bay".
2. List of names and addresses of property owners abutting the lot or parcel within which the easement or drainage right-of-way is located;
3. Copy of plat, map, etc. depicting area location of easement or drainage right-of-way to be vacated.
4. Original notarized letters from the following utility and service companies are required stating whether or not they object to or if there is no interest in the vacating of the easement or drainage right-of-way. If equipment lies within the easement or drainage right-of-way requested for vacation, the applicant shall be responsible for any expenses incurred for relocating same, unless other arrangements have been made with the company.
5. See contacts listed below:

Are you the property owner of record? ☒ Yes ☐ No

If no, a notarized letter from the property owner must be attached giving consent to the applicant to request the vacating.

Contact the Land Development Division (321-733-3042) as to whether a variance is required. If Required, YOU MUST OBTAIN APPROVAL FOR THE VARIANCE PRIOR TO PROCEEDING WITH THE VACATING REQUEST.

☐ Required ☐ Not Required

Land Development Division _____ Date _____

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION AND ALL DATA ATTACHED MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE CITY COUNCIL.

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant David L. Devenney Date 2-12-2021

Printed Name of Applicant DAVID L. DEVENNEY

ORDINANCE 2021-18

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 17, BLOCK 2367, PORT MALABAR UNIT 45, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGE 8, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, David Devenney has requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

WHEREAS, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 17, Block 2367, Port Malabar Unit 45, according to the plat thereof as recorded in Plat Book 22, Page 8, of the Public Records of Brevard County, Florida, Section 29, Township 28S, Range 37E, being more particularly described as follows:

A portion of the rear 20 foot public utility easement of said Lot 17, Block 2367, the north 10.00 feet of the south 20.00 feet of said Lot 17, Block 2367, less and except the easterly 6.00 feet and the westerly 20 feet thereof; containing 1040 square feet, more or less.

SECTION 2. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2021- , held on , 2021; and read in
title only and duly enacted at Meeting 2021- , held on , 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: David Devenney
Case: VE-2-2021

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Joan Junkala-Brown, Community & Economic Development Director

DATE: 3/18/2021

RE: Consideration of the Consolidated Annual Performance and Evaluation Report (CAPER)
for the Community Development Block Grant (CDBG) Program for Fiscal Year 2019-2020.

The City of Palm Bay has prepared its Program Year 2019-2020 Consolidated Annual Performance and Evaluation Report (CAPER) for the fiscal year October 1, 2019 thru September 30, 2020 for the federal Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383).

The CAPER includes annual reporting for the following information: 1) Details of funds received from U.S. Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) Program and use of Brevard County HOME funds; 2) Summary of resources and accomplishments; 3) Status of actions taken during the year to implement the goals outlined in the City's adopted 5-Year Consolidated Plan; and 4) Evaluation of the progress made in addressing priority needs and objectives as outlined in the 5-Year Consolidated Plan.

The 2019-2020 CAPER has been publicly displayed for 15 days as required by HUD. The City received no public comments. The 2019-2020 CAPER will be reviewed by the Community Development Advisory Board at the regular meeting scheduled for March 17, 2021.

REQUESTING DEPARTMENT:
Community & Economic Development

FISCAL IMPACT:
There is no fiscal impact.

RECOMMENDATION:
Motion to approve the City's 2019-2020 Consolidated Annual Performance and Evaluation Report for the fiscal year October 1, 2019 thru September 30, 2020 for the Community Development Block Grant (CDBG) Program.

ATTACHMENTS:

Description

2019-2020 Consolidated Annual Performance & Evaluation Report (CAPER)

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

During FY 2019 ending September 30, 2020, the City of Palm Bay continued its work toward preventing non-compliance in all Housing & Community Development grant funding by updating its standard operation procedures and processes in order to streamline housing programs while ensuring proper oversight.

The City utilized \$430,761 in CDBG funding to purchase a fire tender, brush truck, and life-saving equipment to be used at Fire Stations 1 and 3 - with service coverage areas that significantly covers several low/moderate income census tracts and provides more rapid response to fires and other emergencies.

The following public service projects were completed in PY 2019:

Greater Melbourne Police Athletic League:
\$20,000.00

Daily Bread: \$7,378.74

St. Joseph's - St. Vincent De Paul: \$2,244.04

South Brevard Women's Center: \$31,548.00

Aging Matters: \$26,000.00

Prior year un-reallocated funding in the amount of \$437,859.71 was reallocated through Substantial Amendment for purchase of a fire tender, a brush truck, and life-saving equipment to be used at Fire Stations 1 and 3 - with service coverage areas that significantly covers several low/moderate income census tracts and provides more rapid response to fires and other emergencies.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Administration	Administration	CDBG: \$	Other	Other	1	1	100.00%	1	0	0.00%
Code Enforcement	Code Enforcement	CDBG: \$	Buildings Demolished	Buildings	0	0				
Code Enforcement	Code Enforcement	CDBG: \$	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	500	0	0.00%			
Fair Housing	Affordable Housing Fair Housing	CDBG: \$	Other	Other	50	50	100.00%	10	0	0.00%
Public Facility Improvements	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	10000	1000	10.00%	1650	0	0.00%
Public Services	Public Services	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	5000	1014	20.28%	350	55	15.71%

Public Services	Public Services	CDBG: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	0	32		150	0	0.00%
Public Services	Public Services	CDBG: \$	Homeless Person Overnight Shelter	Persons Assisted	0	37		0	37	

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City of Palm Bay has attempted to annually address all priorities contained within the Consolidated Plan without strong emphasis on one or a few particular priorities annually.

Of the priorities listed within the Consolidated Plan - all of which are indicated as "HIGH PRIORITY" (Public Facility Improvements; Affordable Housing; Fair Housing; Public Services; Administration; Homes For Warriors; and Code Enforcement) the City has attempted annually to address each.

Public Facility Improvements - In a previous fiscal year (FY2017/18) the City was forced to substantially amend its Action Plan to adjust for the City's inability to expend allocated funding to park projects due to extended delays in predevelopment and engineering required for these large facility improvement projects. It was intended, though, that funding would be replaced once the City's Parks & Recreation Department had completed all predevelopment and engineering work. Subsequently, for FY2019/20, the City has once again funded a large Public Facility Improvement project for the Palm Bay Senior Center. Although completion of this project was not started in PY 2019 due to COVID-19 and other issues, it is slated to be completed in May of 2021 and will not be reported until after September 30, 2020. However, the City adhered to this identified priority contained within the FY2016-2020 Consolidated Plan.

Affordable Housing - Utilizing primarily State SHIP funding and Brevard County HOME Consortium HOME funding, the City of Palm Bay continues to address its specific priority needs for affordable housing including preservation of existing housing stock and providing opportunity for

low/moderate income households to purchase a home.

Fair Housing - The Fair Housing activity indicated in the Consolidated Plan intended for CDBG funds to be allocated annually to Brevard County's local Fair Housing agency - Fair Housing Continuum. The Fair Housing Continuum closed in 2018 and no agency exists locally to replace the Fair Housing testing and evaluation of complaints previously completed by Fair Housing Continuum. Instead, the City of Palm Bay has partnered with all members of the Brevard County HOME Consortium to create Fair Housing awareness campaigns countywide through use of billboards and the County's transit system - Space Coast Area Transit (SCAT).

Public Services - The City of Palm Bay annually allocates the maximum of 15% of total annual allocation to local Public Service agencies serving low/moderate income persons/households within Palm Bay.

Administration - Annually, the City of Palm Bay budgets the maximum allowable for administration of the City's CDBG funding.

The City of Palm Bay remains dedicated to the responsible and compliant administration of its CDBG, HOME, SHIP and NSP funding and will continue to re-evaluate progress toward stated goals to ensure maximization of available resources and available leveraging, when possible.

Code Enforcement - The City re-evaluated use of CDBG funds for Code Enforcement and has not allocated funds from any year contained within this Consolidated Plan period for this purpose.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG	HOPWA	HTF
White	127	0	0
Black or African American	28	0	0
Asian	2	0	0
American Indian or American Native	0	0	0
Native Hawaiian or Other Pacific Islander	0	0	0
Total	157	0	0
Hispanic	26	0	0
Not Hispanic	131	0	0

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	805,882	213,196
HOPWA	public - federal	0	
Other	public - federal	1,925,165	712,730
Other	public - state	1,925,165	712,730

Table 3 - Resources Made Available

Narrative

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Citywide	100	100	
North East Palm Bay			

Table 4 – Identify the geographic distribution and location of investments

Narrative

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The City doesn't require a match for any of its awarded funds, however, the selected Public Service agencies were selected, in part, due to their identification and use of leveraged funding sources that created greater outcomes. From private donations to additional external grant funding sources, these agencies provided more services to more low/moderate income persons/households as a result of the City's encouragement to leverage their CDBG awards.

Housing & Community Development Division staff continue to evaluate all city-owned properties with the goal of identifying possible use for affordable housing.

In addition, in FY2020/21 the City intends to advertise the availability of all remaining funding from CDBG, HOME, NSP and SHIP in a multiple Notices of Funding Availability for Affordable Housing that will certainly require a leveraging factor for consideration of award of these funds in order to maximum the impact of all combined grant dollars the City can offer.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	30	51
Number of Non-Homeless households to be provided affordable housing units	0	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	30	51

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	30	51
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	0	0
Number of households supported through Acquisition of Existing Units	0	0
Total	30	51

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

No problems were encountered in meeting the City's goals for serving homeless and providing affordable housing.

In addition, the City recently executed a contract with Habitat for Humanity of Brevard County, utilizing HOME funds, to build 2 new homes to be constructed in Palm Bay. However, this contract is currently being rewritten to ensure HOME compliance.

Discuss how these outcomes will impact future annual action plans.

With the return of State SHIP funding, all dedicated to affordable housing, and in addition to the anticipated FY 19-20 and FY 20-21 annual HOME allocation through the Brevard County HOME Consortium, the City of Palm Bay should expect significant accomplishments in providing both affordable homeownership housing options.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual	HTF Actual
Extremely Low-income	48	0	0
Low-income	101	0	
Moderate-income	16	0	
Total	165	0	

Table 7 – Number of Households Served

Narrative Information

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Through Public Service funding awarded to the South Brevard Women's Center, St. Vincent de Paul, and daily Bread, the City assisted 51 persons/women-headed households with children with affordable housing, direct rent/mortgage payments and/or utility payments, and assistance to homeless through engagement, connection to resources, family reunification, employment services, educational opportunities and direct assistance.

The City of Palm Bay has also continued its initiative of a Homelessness Task Force with members of the City of Melbourne Police Department, the City of West Melbourne Police Department, the South Brevard Sharing Center, the Brevard Homeless Coalition, Daily Bread (homeless services agency located in Melbourne) and other community agencies and stakeholders to specifically address Palm Bay's homeless and to develop solutions.

Addressing the emergency shelter and transitional housing needs of homeless persons

While the City of Palm Bay still has no immediate plan to provide emergency shelter or transitional housing within Palm Bay, the collaboration and identification of needs and priorities established through the ongoing work of the Homelessness Task Force may provide future plans for such facilities.

Non-profits currently offering emergency shelter and transitional housing in other locations within the County have expressed interest in submitting proposals once the City officially notices the availability of its SHIP, NSP, and HOME funding.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The Homelessness Task Force is currently identifying its priorities and needs as reported by agencies already providing similar services in other locations within Brevard County. Results from this Task Force may result in City priorities to fund more homeless prevention activities.

Helping homeless persons (especially chronically homeless individuals and families, families

with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The members of the Homelessness Task Force include agencies currently providing services to chronically homeless, families with children, veterans and youth aging out of foster care. As the Task Force continues to develop its priorities and identify its needs, the City will continue to be a vital partner in providing funding for these types of facilities and services.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City took no action to address the needs of public housing within Palm Bay. The City does not currently have any public housing within its City limits. The Brevard County Housing Authority offers public housing options to citizens countywide (and within Palm Bay) when needed and when assistance is available.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

Actions taken to provide assistance to troubled PHAs

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

Being a recipient of State SHIP funding, the City is required to routinely evaluate, prior to adoption, all ordinances, resolutions, policies and procedures that may have an adverse affect on the production of affordable housing. This regulatory requirement is conducted whenever Housing & Community Development staff are advised of potential amendments to the enacted local regulations stated previously.

During this reporting period, no local policies, procedures, resolutions or ordinances were identified that had negative affects on production of affordable housing.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The City recently freed itself from the most critical obstacle to meeting underserved needs by restoring compliance to the City's SHIP Program last fiscal year. This funding, dedicated exclusively to affordable housing initiatives, provides an invaluable resource for (1) preserving the City's housing stock by offering housing rehabilitation; (2) offering down payment assistance to help first-time homebuyers obtain affordable financing to purchase a home; (3) offering special needs housing rehabilitation to disabled homeowners to allow them to affordably age in place; and (4) offering a local contribution to Low Income Housing Tax Credit developers that are proposing multi-family, affordable rental housing.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

Of the 38,480 housing units within the City of Palm Bay, only 6,397 of these units was built prior to 1978. During the administration of the current Community Development Administrator, no home built prior to 1978 has requested housing rehabilitation assistance.

It is the policy of the City of Palm Bay that all housing addressed by CDBG and/or HOME funds that was built prior to 1978 will be evaluated for lead-based paint, regardless of whether any children are present in the home.

The City will follow all federal regulations concerning treatment and/or removal of lead based paint where it exists if the assistance provided intends to disturb areas where the lead paint exists.

It is not currently a policy of the City of Palm Bay to seek out the owners of homes built prior to 1978 to offer unsolicited assistance. With a current housing rehabilitation waiting list of over 69 homeowners, and with only SHIP as a funding source dedicated to housing rehabilitation, the City does not anticipate

changing its priority to seek out pre-1978 housing.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Historically, the CDBG program receives more requests for funding than it can allocate. This continued issue will remain an obstacle to meeting underserved needs.

Staff is currently re-evaluating all available data to re-assess the greatest needs within the City. Once re-evaluated, staff will recommend the possible elimination of some currently identified priorities contained in the Consolidated Plan so that more emphasis and more funding can be allocated in a concentrated effort to eliminate or reduce these needs.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Final revisions of CDBG Policies and Procedures Manual, HOME Policies and Procedures Manual, SHIP Purchase Assistance Policies and Procedures and SHIP Housing Rehabilitation Policies and Procedures were recently completed and will continue to be reevaluted.

Housing & Community Development Division staff continue to attend in-person and web-based training whenever possible in order to keep abreast of new trends in housing and community development as well as refresh knowledge of crosscutting regulations.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The City's continuation of the Homelessness Task Force is an example of action taken to enhance coordination between local government and social service agencies serving the City's neediest residents.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The existing Analysis of Impediments to Fair Housing was completed in 2015. Identified impediments and actions to address them include:

1. Discrimination against persons with disabilities. The goal is to reduce fair housing complaints in this area. Although Brevard County recently lost its local Fair Housing agency that had previously taken and investigated complaints and conducted routine fair housing testing, all of the cities within Brevard County continue to refer fair housing discrimination complaints to HUD. The members of the Brevard County HOME Consortia also partnered to implement a Fair Housing awareness campaign countywide.
2. Discrimination against black/African American persons. The goal is to reduce fair housing complaints in this area. As indicated above in #1, the members of the Brevard County HOME Consortia also

partnered to implement a Fair Housing awareness campaign countywide.

3. Discrimination against women. The goal is to reduce fair housing complaints in this area. It is anticipated that favorable results will be achieved through the countywide Fair Housing awareness campaign described above.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The CAPER was published in the local newspaper of general circulation and also available on the City's website and offered for public display from February 25, 2021 through March 16, 2021, providing for the required 15-day public comment period.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There have been no significant changes to the City of Palm Bay's program objectives. The City's Housing & Community Development Division continues to report to the Director of Community & Economic Development rather than reporting to the Director of Growth Management (Land Development, Building and Code Compliance). This slight shift continues to allow the City a deeper understanding of the State and Federal entitlement grants (SHIP, CDBG, HOME, NSP) that it receives and how a coordinated housing, community development and economic development strategy can be more responsive to the City's greatest needs in these areas.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-55 - HOPWA 91.520(e)

Identify the number of individuals assisted and the types of assistance provided

Table for report on the one-year goals for the number of households provided housing through the use of HOPWA activities for: short-term rent, mortgage, and utility assistance payments to prevent homelessness of the individual or family; tenant-based rental assistance; and units provided in housing facilities developed, leased, or operated with HOPWA funds.

Number of Households Served Through:	One-year Goal	Actual
Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family	0	0
Tenant-based rental assistance	0	0
Units provided in permanent housing facilities developed, leased, or operated with HOPWA funds	0	0
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds	0	0

Table 8 – HOPWA Number of Households Served

Narrative

Although identified as the recipient of HOPWA funding for Brevard County, the City of Palm Bay annually sub-allocates its HOPWA to the Florida Department of Health.

CR-56 - HTF 91.520(h)

Describe the extent to which the grantee complied with its approved HTF allocation plan and the requirements of 24 CFR part 93.

The City of Palm Bay does not receive an HTF allocation.

Tenure Type	0 – 30% AMI	0% of 30+ to poverty line (when poverty line is higher than 30% AMI)	% of the higher of 30+ AMI or poverty line to 50% AMI	Total Occupied Units	Units Completed, Not Occupied	Total Completed Units
Rental	0	0	0	0	0	0
Homebuyer	0	0	0	0	0	0

Table 15 - CR-56 HTF Units in HTF activities completed during the period



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PGM Year: 2016
Project: 0014 - Public Facility Improvements: Knecht Park
IDIS Activity: 404 - Knecht Park Dugout Replacement
Status: Completed 1/22/2021 8:25:13 AM
Location: 1380 Glenham Dr NE Palm Bay, FL 32905-4226
Objective: Create suitable living environments
Outcome: Availability/accessibility
Matrix Code: Parks, Recreational Facilities (03F)
National Objective: LMA

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 07/13/2017

Description:

Replacement of dugouts at baseball field at Knecht Park.

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	Pre-2015		\$56,854.40	\$0.00	\$0.00
		2014	B14MC120032		\$9,620.32	\$55,922.00
Total	Total			\$56,854.40	\$9,620.32	\$55,922.00

Proposed Accomplishments

Public Facilities : 1

Total Population in Service Area: 12,550

Census Tract Percent Low / Mod: 51.31

Annual Accomplishments

Years	Accomplishment Narrative	# Benefitting
2016	Four dugouts were removed and replaced with new dugouts. Additional issues with the irrigation pipe were repaired.	



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PGM Year:	2016		
Project:	0019 - Acquisition of Fire Engine for Fire Station 5		
IDIS Activity:	416 - Acquisition of Fire Engine for Fire Station 5		
Status:	Completed 7/10/2020 12:00:00 AM	Objective:	Create suitable living environments
Location:	120 Malabar Rd SE Palm Bay, FL 32907-3009	Outcome:	Availability/accessibility
		Matrix Code:	Fire Station/Equipment (03O)
		National Objective:	LMA

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 07/31/2018

Description:

Acquisition of Fire Engine for newly rebuilt Fire Station 5.

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2016	B16MC120032	\$473,715.89	\$6,940.89	\$473,715.89
Total	Total			\$473,715.89	\$6,940.89	\$473,715.89

Proposed Accomplishments

Public Facilities : 7,900

Total Population in Service Area: 33,575

Census Tract Percent Low / Mod: 51.33

Annual Accomplishments

Years	Accomplishment Narrative	# Benefitting
2016	Project complete. Full draw down of \$473,715.89. Final draw of \$6,940.89 on 6/8/2020 as cleanup from previous Housing Administrator. Reconciled with internal budget system of actual expenditure totaling \$473,715.89.	



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PGM Year:	2016		
Project:	0020 - Acquisition of Fire Tender Truck for Fire Station 5		
IDIS Activity:	417 - Acquisition of Fire Tender Truck for Fire Station 5		
Status:	Open	Objective:	Create suitable living environments
Location:	120 Malabar Rd SE Palm Bay, FL 32907-3009	Outcome:	Availability/accessibility
		Matrix Code:	Fire Station/Equipment (03O)
		National Objective:	LMA

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 07/31/2018

Description:

Purchase of Fire Tender (water) Truck for Fire Station 5

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2015	B15MC120032	\$287,033.00	\$0.00	\$287,033.00
Total	Total			\$287,033.00	\$0.00	\$287,033.00

Proposed Accomplishments

Public Facilities : 1,650

Total Population in Service Area: 6,175

Census Tract Percent Low / Mod: 57.73

Annual Accomplishments

Years	Accomplishment Narrative	# Benefitting
2016	Project is complete. Total drawn amount is \$287,033.00; however, internal budget system reflects actual expenditure of \$280,149.44.	



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PGM Year:	2016				
Project:	0021 - Acquisition of Life Saving Equipment for Fire Station 5				
IDIS Activity:	418 - Acquisition of Life Saving Equipment for Fire Station 5				
Status:	Open	Objective:	Create suitable living environments		
Location:	120 Malabar Rd SE Palm Bay, FL 32907-3009	Outcome:	Availability/accessibility		
		Matrix Code:	Fire Station/Equipment (03O)	National Objective:	LMA

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 07/31/2018

Description:

Acquisition of Life Saving Equipment for Fire Station 5

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2016	B16MC120032	\$8,305.15	\$0.00	\$8,305.15
Total	Total			\$8,305.15	\$0.00	\$8,305.15

Proposed Accomplishments

Public Facilities : 1,650

Total Population in Service Area: 6,175

Census Tract Percent Low / Mod: 57.73

Annual Accomplishments

Years	Accomplishment Narrative	# Benefitting
2017	Life Saving Equipment purchased and project is complete. Total draw of \$8,305.15; however, actual expenditure in internal budget system is \$8,155.53.	



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PGM Year:	2018					
Project:	0001 - Clearance and Demolition					
IDIS Activity:	419 - Residential Clearance and Demolition					
Status:	Open	Objective:	Create suitable living environments			
Location:	120 Malabar Rd SE Palm Bay, FL 32907-3009	Outcome:	Sustainability			
		Matrix Code:	Clearance and Demolition (04)	National Objective:	SBS	

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 01/14/2019

Description:

Demolition of blighted, vacant commercial and residential structures in Palm Bay to encourage redevelopment.

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2018	B18MC120032	\$100,000.00	\$0.00	\$0.00
Total	Total			\$100,000.00	\$0.00	\$0.00

Proposed Accomplishments

Housing Units : 6

Annual Accomplishments

No data returned for this view. This might be because the applied filter excludes all data.



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PGM Year: 2018

Project: 0001 - Clearance and Demolition

IDIS Activity: 420 - Commercial Clearance and Demolition

Status: Open

Location: 120 Malabar Rd SE Palm Bay, FL 32907-3009

Objective: Create economic opportunities

Outcome: Sustainability

Matrix Code: Clearance and Demolition (04)

National Objective: SBS

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 01/14/2019

Description:

Demolition of blighted, vacant commercial structures to encourage redevelopment

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2018	B18MC120032	\$100,000.00	\$0.00	\$0.00
Total	Total			\$100,000.00	\$0.00	\$0.00

Proposed Accomplishments

Businesses : 4

Annual Accomplishments

No data returned for this view. This might be because the applied filter excludes all data.



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PGM Year: 2018

Project: 0003 - Program Administration

IDIS Activity: 421 - Planning and Administration

Status: Completed 9/30/2019 12:00:00 AM

Location: ,

Objective:

Outcome:

Matrix Code: General Program Administration (21A)

National Objective:

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 01/14/2019

Description:

Planning and administration of city CDBG Program

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2018	B18MC120032	\$114,178.81	\$7,682.40	\$114,178.81
	PI			\$811.47	\$73.77	\$811.47
Total	Total			\$114,990.28	\$7,756.17	\$114,990.28

Proposed Accomplishments

Actual Accomplishments

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:					0	0		
Black/African American:					0	0		
Asian:					0	0		
American Indian/Alaskan Native:					0	0		
Native Hawaiian/Other Pacific Islander:					0	0		
American Indian/Alaskan Native & White:					0	0		
Asian White:					0	0		
Black/African American & White:					0	0		
American Indian/Alaskan Native & Black/African American:					0	0		
Other multi-racial:					0	0		
Asian/Pacific Islander:					0	0		
Hispanic:					0	0		
Total:	0	0	0	0	0	0	0	0



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Female-headed Households:

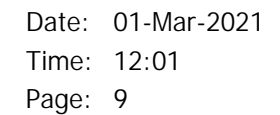
0

Income Category:

	Owner	Renter	Total	Person
Extremely Low			0	
Low Mod			0	
Moderate			0	
Non Low Moderate			0	
Total	0	0	0	0
Percent Low/Mod				

Annual Accomplishments

No data returned for this view. This might be because the applied filter excludes all data.



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Female-headed Households: 0 0 0

Income Category:

	Owner	Renter	Total	Person
Extremely Low	0	0	0	0
Low Mod	0	0	0	37
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	37
Percent Low/Mod				100.0%

Annual Accomplishments

Years	Accomplishment Narrative	# Benefitting
2018	Aging Matters provided Meals on Wheels food delivery and congregate dining to 37 elderly Palm Bay residents	



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Female-headed Households: 0 0 0

Income Category:

	Owner	Renter	Total	Person
Extremely Low	0	0	0	0
Low Mod	0	0	0	24
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	24
Percent Low/Mod				100.0%

Annual Accomplishments

Years	Accomplishment Narrative	# Benefitting
2018	South Brevard Women's Center serves homeless women with children and assisted 24 women with children.	



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PGM Year: 2018

Project: 0007 - Early Learning Coalition

IDIS Activity: 425 - Early Learning Coalition

Status: Canceled 6/2/2020 10:37:01 AM

Location: 5275 Babcock St NE Palm Bay, FL 32905-8631

Objective: Create suitable living environments

Outcome: Availability/accessibility

Matrix Code: Child Care Services (05L)

National Objective: LMC

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 01/14/2019

Description:

Public service funding to Early Learning Coalition to provide child care services to low and moderate income families in Palm Bay

Financing

No data returned for this view. This might be because the applied filter excludes all data.

Proposed Accomplishments

People (General) : 7

Actual Accomplishments

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0		0
Black/African American:	0	0	0	0	0	0	0	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0



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Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
Total:	0	0	0	0	0	0	0	0

Female-headed Households:	0	0	0
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Income Category:

	Owner	Renter	Total	Person
Extremely Low	0	0	0	0
Low Mod	0	0	0	0
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	0

Percent Low/Mod

Annual Accomplishments

No data returned for this view. This might be because the applied filter excludes all data.



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PGM Year:	2018		
Project:	0008 - South Brevard Sharing Center		
IDIS Activity:	426 - South Brevard Sharing Center		
Status:	Completed 9/30/2019 12:00:00 AM	Objective:	Provide decent affordable housing
Location:	17 E Hibiscus Blvd Melbourne, FL 32901-3139	Outcome:	Availability/accessibility
		Matrix Code:	Subsistence Payment (05Q)
		National Objective:	LMC

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 01/14/2019

Description:

Public service funding to South Brevard Sharing Center for provision of temporary rental housing assistance to homeless and precariously housed persons in Palm Bay

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2018	B18MC120032	\$20,021.50	\$20,021.50	\$20,021.50
Total	Total			\$20,021.50	\$20,021.50	\$20,021.50

Proposed Accomplishments

People (General) : 20

Actual Accomplishments

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	27	0
Black/African American:	0	0	0	0	0	0	1	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
Total:	0	0	0	0	0	0	28	0



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Female-headed Households: 0 0 0

Income Category:

	Owner	Renter	Total	Person
Extremely Low	0	0	0	28
Low Mod	0	0	0	0
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	28
Percent Low/Mod				100.0%

Annual Accomplishments

Years	Accomplishment Narrative	# Benefitting
2018	South Brevard Sharing Center was able to exceed their goal of assisting 20 homeless persons with housing and served 28 homeless persons with direct assistance that assisted these homeless individuals with rental housing.	



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PGM Year: 2019
Project: 0003 - Planning & Administration
IDIS Activity: 429 - Planning & Administration

Status: Open
Location: ,

Objective:
Outcome:
Matrix Code: General Program Administration (21A) **National Objective:**

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 12/04/2019

Description:
CDBG Planning and Admin
Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2019	B19MC120032	\$112,763.30	\$80,896.96	\$80,896.96
	PI			\$14,457.13	\$14,162.05	\$14,162.05
Total	Total			\$127,220.43	\$95,059.01	\$95,059.01

Proposed Accomplishments

Actual Accomplishments

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:					0	0		
Black/African American:					0	0		
Asian:					0	0		
American Indian/Alaskan Native:					0	0		
Native Hawaiian/Other Pacific Islander:					0	0		
American Indian/Alaskan Native & White:					0	0		
Asian White:					0	0		
Black/African American & White:					0	0		
American Indian/Alaskan Native & Black/African American:					0	0		
Other multi-racial:					0	0		
Asian/Pacific Islander:					0	0		
Hispanic:					0	0		
Total:	0	0	0	0	0	0	0	0



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Female-headed Households:

0

Income Category:

	Owner	Renter	Total	Person
Extremely Low			0	
Low Mod			0	
Moderate			0	
Non Low Moderate			0	
Total	0	0	0	0
Percent Low/Mod				

Annual Accomplishments

No data returned for this view. This might be because the applied filter excludes all data.



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PGM Year:	2019		
Project:	0007 - Palm Bay Senior Center Improvements		
IDIS Activity:	430 - Palm Bay Senior Center Improvements		
Status:	Open	Objective:	Create suitable living environments
Location:	1275 Culver Dr NE Palm Bay, FL 32907-1178	Outcome:	Availability/accessibility
		Matrix Code:	Senior Centers (03A)
		National Objective:	LMC

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 12/04/2019

Description:

ADA and other improvements to Palm Bay Senior Center

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2019	B19MC120032	\$527,158.00	\$1,007.81	\$1,007.81
Total	Total			\$527,158.00	\$1,007.81	\$1,007.81

Proposed Accomplishments

Public Facilities : 1,100

Actual Accomplishments

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0		0
Black/African American:	0	0	0	0	0	0	0	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
Total:	0	0	0	0	0	0	0	0



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Female-headed Households: 0 0 0

Income Category:

	Owner	Renter	Total	Person
Extremely Low	0	0	0	0
Low Mod	0	0	0	0
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	0

Percent Low/Mod

Annual Accomplishments

No data returned for this view. This might be because the applied filter excludes all data.



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PGM Year:	2019		
Project:	0004 - Aging Matters In Brevard		
IDIS Activity:	431 - Aging Matters in Brevard		
Status:	Completed 9/30/2020 12:00:00 AM	Objective:	Create suitable living environments
Location:	Address Suppressed	Outcome:	Availability/accessibility
		Matrix Code:	Senior Services (05A)
		National Objective:	LMC

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 12/04/2019

Description:

Public service subrecipient utilizing CDBG funds for Meals on Wheels and Congregate Dining programs.

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2019	B19MC120032	\$26,000.00	\$17,333.36	\$17,333.36
Total	Total			\$26,000.00	\$17,333.36	\$17,333.36

Proposed Accomplishments

People (General) : 57

Actual Accomplishments

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	45	8
Black/African American:	0	0	0	0	0	0	9	0
Asian:	0	0	0	0	0	0	2	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	2	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
Total:	0	0	0	0	0	0	58	8



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Female-headed Households: 0 0 0

Income Category:

	Owner	Renter	Total	Person
Extremely Low	0	0	0	0
Low Mod	0	0	0	58
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	58
Percent Low/Mod				100.0%

Annual Accomplishments

Years	Accomplishment Narrative	# Benefitting
2019	Accomplishments for FY 2019/2020 for the period covering Oct. 2019 thru September 2020 Aging Matters assisted 65 Seniors over the age of 60 delivering and serving 11,457 meals to homebound Palm Bay residents.	



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PGM Year:	2019		
Project:	0005 - South Brevard Women's Center		
IDIS Activity:	432 - South Brevard Women's Center		
Status:	Completed 9/30/2020 12:00:00 AM	Objective:	Create suitable living environments
Location:	120 Malabar Rd SE Palm Bay, FL 32907-3009	Outcome:	Availability/accessibility
		Matrix Code:	Services for victims of domestic violence, dating violence, sexual assault or stalking (05G)
		National Objective:	LMC

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 12/04/2019

Description:

Funding for maintenance of transitional housing for victims of domestic violence.
Assist with childcare, career guidance, medical, transportation.

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2019	B19MC120032	\$21,651.24	\$18,453.89	\$18,453.89
	PI			\$9,896.76	\$9,896.76	\$9,896.76
Total	Total			\$31,548.00	\$28,350.65	\$28,350.65

Proposed Accomplishments

People (General) : 10

Actual Accomplishments

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	27	14
Black/African American:	0	0	0	0	0	0	2	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0



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Total: 0 0 0 0 0 0 29 14

Female-headed Households: 0 0 0 0

Income Category:

	Owner	Renter	Total	Person
Extremely Low	0	0	0	26
Low Mod	0	0	0	3
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	29
Percent Low/Mod				100.0%

Annual Accomplishments

Years	Accomplishment Narrative	# Benefitting
2019	South Brevard Women's Center offers assistance to households with shelter, counseling, career guidance, transportation and food located in Palm Bay. Over the course of 9 months the Women's Center has assisted approximately 24 households monthly.	



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PGM Year:	2019		
Project:	0006 - St. Joseph's - St. Vincent De Paul		
IDIS Activity:	433 - St. Joseph's - St. Vincent De Paul		
Status:	Completed 11/5/2020 2:52:40 PM	Objective:	Create suitable living environments
Location:	2824 Palm Bay Rd NE Palm Bay, FL 32905-3535	Outcome:	Availability/accessibility
		Matrix Code:	Subsistence Payment (05Q)
		National Objective:	LMC

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 12/04/2019

Description:

St.
Joseph's Catholic Church St.
Vincent De Paul providing utility and rental assistance.

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2019	B19MC120032	\$2,244.04	\$0.00	\$0.00
Total	Total			\$2,244.04	\$0.00	\$0.00

Proposed Accomplishments

People (General) : 200

Actual Accomplishments

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	19	0
Black/African American:	0	0	0	0	0	0	4	4
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0



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Total: 0 0 0 0 0 0 23 4

Female-headed Households: 0 0 0

Income Category:

	Owner	Renter	Total	Person
Extremely Low	0	0	0	9
Low Mod	0	0	0	14
Moderate	0	0	0	0
Non Low Moderate	0	0	0	0
Total	0	0	0	23
Percent Low/Mod				100.0%

Annual Accomplishments

Years	Accomplishment Narrative	# Benefitting
2019	Accomplishments for FY 2019/2020 for the period covering Oct. 2019 thru September 2020 St. Vincent De Paul assisted 2 households with rent assistance, 14 households with electric assistance, and 7 households with utility assistance. All households are either extremely low or low income.	



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PGM Year:	2019				
Project:	0001 - Daily Bread				
IDIS Activity:	434 - Daily Bread				
Status:	Completed 9/30/2020 12:00:00 AM	Objective:	Create suitable living environments		
Location:	815 E Fee Ave Melbourne, FL 32901-4612	Outcome:	Availability/accessibility		
		Matrix Code:	Housing Information and Referral Services (05X)	National Objective:	LMC

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 12/04/2019

Description:

Daily Bread agency will provide housing placementreferral to homeless Palm Bay citizens

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2019	B19MC120032	\$7,378.74	\$351.80	\$351.80
Total	Total			\$7,378.74	\$351.80	\$351.80

Proposed Accomplishments

People (General) : 120

Actual Accomplishments

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	35	0
Black/African American:	0	0	0	0	0	0	2	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
Total:	0	0	0	0	0	0	37	0



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Female-headed Households: 0 0 0

Income Category:

	Owner	Renter	Total	Person
Extremely Low	0	0	0	11
Low Mod	0	0	0	18
Moderate	0	0	0	8
Non Low Moderate	0	0	0	0
Total	0	0	0	37
Percent Low/Mod				100.0%

Annual Accomplishments

Years	Accomplishment Narrative	# Benefitting
2019	Daily Bread offers a variety of services thru it agency to help the homeless. For the current period assistance provided was counseling, educational assistance, employment services, helping homeless individuals to become independent to move to a home on their own. From October 2019 to July 2020, Daily Bread has assisted households. Daily Brevard did not submit requests for reimbursement for the months of August and September 2020.	



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PGM Year:	2019		
Project:	0002 - Greater Melbourne PAL		
IDIS Activity:	435 - Greater Melbourne Police Athletic League		
Status:	Completed 9/30/2020 12:00:00 AM	Objective:	Create suitable living environments
Location:	2547 Grant St Melbourne, FL 32901-6036	Outcome:	Availability/accessibility
		Matrix Code:	Youth Services (05D)
		National Objective:	LMC

Activity to prevent, prepare for, and respond to Coronavirus: No

Initial Funding Date: 12/04/2019

Description:

Youth after-school and mentoring services

Financing

	Fund Type	Grant Year	Grant	Funded Amount	Drawn In Program Year	Drawn Thru Program Year
CDBG	EN	2019	B19MC120032	\$20,000.00	\$20,000.00	\$20,000.00
Total	Total			\$20,000.00	\$20,000.00	\$20,000.00

Proposed Accomplishments

People (General) : 18

Actual Accomplishments

Number assisted:

	Owner		Renter		Total		Person	
	Total	Hispanic	Total	Hispanic	Total	Hispanic	Total	Hispanic
White:	0	0	0	0	0	0	1	0
Black/African American:	0	0	0	0	0	0	11	0
Asian:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native:	0	0	0	0	0	0	0	0
Native Hawaiian/Other Pacific Islander:	0	0	0	0	0	0	0	0
American Indian/Alaskan Native & White:	0	0	0	0	0	0	0	0
Asian White:	0	0	0	0	0	0	0	0
Black/African American & White:	0	0	0	0	0	0	6	0
American Indian/Alaskan Native & Black/African American:	0	0	0	0	0	0	0	0
Other multi-racial:	0	0	0	0	0	0	0	0
Asian/Pacific Islander:	0	0	0	0	0	0	0	0
Hispanic:	0	0	0	0	0	0	0	0
Total:	0	0	0	0	0	0	18	0



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Female-headed Households: 0 0 0

Income Category:

	Owner	Renter	Total	Person
Extremely Low	0	0	0	2
Low Mod	0	0	0	8
Moderate	0	0	0	8
Non Low Moderate	0	0	0	0
Total	0	0	0	18
Percent Low/Mod				100.0%

Annual Accomplishments

Years	Accomplishment Narrative	# Benefitting
2019	Accomplishments: Greater Melbourne PAL offered two (2) times during the 2019/2020 program year, life skills activities and homework during Jan-May. Assisting 18 people/households that were at or below 80% of the MI. For June and July (Summer Camp) they assisted 18 people/households, some or all the assisted were the same from Jan-May with developing goals. Instilling healthy choices and setting goals. Households assisted were at or below the 80% MI from the Palm Bay area schools.	



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Total Funded Amount:	\$1,944,699.83
Total Drawn Thru Program Year:	\$868,982.70
Total Drawn In Program Year:	\$213,195.64



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Count of CDBG Activities with Disbursements by Activity Group & Matrix Code

Activity Group	Activity Category	Open Count	Open Activities Disbursed	Completed Count	Completed Activities Disbursed	Program Year Count	Total Activities Disbursed
Acquisition	Clearance and Demolition (04)	2	\$0.00	0	\$0.00	2	\$0.00
	Total Acquisition	2	\$0.00	0	\$0.00	2	\$0.00
Public Facilities and Improvements	Senior Centers (03A)	1	\$1,007.81	0	\$0.00	1	\$1,007.81
	Parks, Recreational Facilities (03F)	0	\$0.00	1	\$9,620.32	1	\$9,620.32
	Fire Station/Equipment (03O)	2	\$0.00	1	\$6,940.89	3	\$6,940.89
	Total Public Facilities and Improvements	3	\$1,007.81	2	\$16,561.21	5	\$17,569.02
Public Services	Senior Services (05A)	0	\$0.00	2	\$22,612.16	2	\$22,612.16
	Youth Services (05D)	0	\$0.00	1	\$20,000.00	1	\$20,000.00
	Services for victims of domestic violence, dating violence, sexual assault or stalking (05G)	0	\$0.00	2	\$29,825.98	2	\$29,825.98
	Subsistence Payment (05Q)	0	\$0.00	2	\$20,021.50	2	\$20,021.50
	Housing Information and Referral Services (05X)	0	\$0.00	1	\$351.80	1	\$351.80
	Total Public Services	0	\$0.00	8	\$92,811.44	8	\$92,811.44
General Administration and Planning	General Program Administration (21A)	1	\$95,059.01	1	\$7,756.17	2	\$102,815.18
	Total General Administration and Planning	1	\$95,059.01	1	\$7,756.17	2	\$102,815.18
Grand Total		6	\$96,066.82	11	\$117,128.82	17	\$213,195.64



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CDBG Sum of Actual Accomplishments by Activity Group and Accomplishment Type

Activity Group	Matrix Code	Accomplishment Type	Open Count	Completed Count	Program Year Totals
Acquisition	Clearance and Demolition (04)	Housing Units	0	0	0
		Business	0	0	0
	Total Acquisition		0	0	0
Public Facilities and Improvements	Senior Centers (03A)	Public Facilities	0	0	0
	Parks, Recreational Facilities (03F)	Public Facilities	0	12,550	12,550
	Fire Station/Equipment (03O)	Public Facilities	12,350	33,575	45,925
	Total Public Facilities and Improvements		12,350	46,125	58,475
Public Services	Senior Services (05A)	Persons	0	95	95
	Youth Services (05D)	Persons	0	18	18
	Services for victims of domestic violence, dating violence, sexual assault or stalking (05G)	Persons	0	53	53
	Subsistence Payment (05Q)	Persons	0	51	51
	Housing Information and Referral Services (05X)	Persons	0	37	37
	Total Public Services		0	254	254
Grand Total			12,350	46,379	58,729



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CDBG Beneficiaries by Racial / Ethnic Category

Housing-Non Housing	Race				
		Total Persons	Total Hispanic Persons	Total Households	Total Hispanic Households
Non Housing	White	204	37	0	0
	Black/African American	37	4	0	0
	Asian	5	0	0	0
	American Indian/Alaskan Native & White	2	0	0	0
	Black/African American & White	6	0	0	0
	Total Non Housing	254	41	0	0
Grand Total	White	204	37	0	0
	Black/African American	37	4	0	0
	Asian	5	0	0	0
	American Indian/Alaskan Native & White	2	0	0	0
	Black/African American & White	6	0	0	0
	Total Grand Total	254	41	0	0



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CDBG Beneficiaries by Income Category

Income Levels		Owner Occupied	Renter Occupied	Persons
Non Housing	Extremely Low ($\leq 30\%$)	0	0	48
	Low ($> 30\%$ and $\leq 50\%$)	0	0	101
	Mod ($> 50\%$ and $\leq 80\%$)	0	0	16
	Total Low-Mod	0	0	165
	Non Low-Mod ($> 80\%$)	0	0	0
	Total Beneficiaries	0	0	165



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PART I: SUMMARY OF CDBG RESOURCES

01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR	0.00
02 ENTITLEMENT GRANT	805,882.00
03 SURPLUS URBAN RENEWAL	0.00
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00
05 CURRENT YEAR PROGRAM INCOME	24,280.12
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00
06 FUNDS RETURNED TO THE LINE-OF-CREDIT	0.00
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	0.00
08 TOTAL AVAILABLE (SUM, LINES 01-07)	830,162.12

PART II: SUMMARY OF CDBG EXPENDITURES

09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	110,380.46
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	110,380.46
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	102,815.18
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	0.00
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	0.00
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	213,195.64
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	616,966.48

PART III: LOW/MOD BENEFIT THIS REPORTING PERIOD

17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	110,380.46
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	110,380.46
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	100.00%

LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS

23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: PY: PY:
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	0.00
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	0.00
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	0.00%

PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS

27 DISBURSED IN IDIS FOR PUBLIC SERVICES	92,811.44
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	0.00
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	92,811.44
32 ENTITLEMENT GRANT	805,882.00
33 PRIOR YEAR PROGRAM INCOME	4,251.71
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	0.00
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	810,133.71
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	11.46%



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PART V: PLANNING AND ADMINISTRATION (PA) CAP		
37	DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	102,815.18
38	PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
39	PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
40	ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	0.00
41	TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 +LINE 40)	102,815.18
42	ENTITLEMENT GRANT	805,882.00
43	CURRENT YEAR PROGRAM INCOME	24,280.12
44	ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	0.00
45	TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	830,162.12
46	PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	12.38%



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LINE 17 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 17

Report returned no data.

LINE 18 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 18

Report returned no data.

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2019	7	430	6389997	Palm Bay Senior Center Improvements	03A	LMC	\$336.00
2019	7	430	6414995	Palm Bay Senior Center Improvements	03A	LMC	\$671.81
					03A	Matrix Code	\$1,007.81
2016	14	404	6397224	Knecht Park Dugout Replacement	03F	LMA	\$9,620.32
					03F	Matrix Code	\$9,620.32
2016	19	416	6383519	Acquisition of Fire Engine for Fire Station 5	03O	LMA	\$6,940.89
					03O	Matrix Code	\$6,940.89
2018	5	423	6332575	Aging Matters in Brevard	05A	LMC	\$3,519.20
2018	5	423	6334689	Aging Matters in Brevard	05A	LMC	\$1,759.60
2019	4	431	6399129	Aging Matters in Brevard	05A	LMC	\$17,333.36
					05A	Matrix Code	\$22,612.16
2019	2	435	6399426	Greater Melbourne Police Athletic League	05D	LMC	\$20,000.00
					05D	Matrix Code	\$20,000.00
2018	6	424	6312576	South Brevard Women's Center	05G	LMC	\$777.46
2018	6	424	6332575	South Brevard Women's Center	05G	LMC	\$697.87
2019	5	432	6381968	South Brevard Women's Center	05G	LMC	\$19,073.69
2019	5	432	6397217	South Brevard Women's Center	05G	LMC	\$9,276.96
					05G	Matrix Code	\$29,825.98
2018	8	426	6312576	South Brevard Sharing Center	05Q	LMC	\$16,205.81
2018	8	426	6332575	South Brevard Sharing Center	05Q	LMC	\$1,650.88
2018	8	426	6334689	South Brevard Sharing Center	05Q	LMC	\$2,164.81
					05Q	Matrix Code	\$20,021.50
2019	1	434	6397217	Daily Bread	05X	LMC	\$351.80
					05X	Matrix Code	\$351.80
Total							\$110,380.46

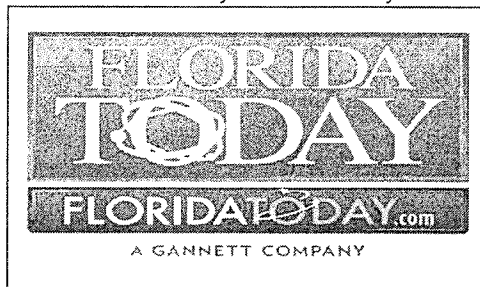
LINE 27 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 27

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity to prevent, prepare for, and respond to Coronavirus	Activity Name	Grant Number	Fund Type	Matrix Code	National Objective	Drawn Amount
2018	5	423	6332575	No	Aging Matters in Brevard	B18MC120032	EN	05A	LMC	\$3,519.20

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity to prevent, prepare for, and respond to Coronavirus	Activity Name	Grant Number	Fund Type	Matrix Code	National Objective	Drawn Amount
2018	5	423	6334689	No	Aging Matters in Brevard	B18MC120032	EN	05A	LMC	\$1,759.60
2019	4	431	6399129	No	Aging Matters in Brevard	B19MC120032	EN	05A	LMC	\$17,333.36
								05A	Matrix Code	\$22,612.16
2019	2	435	6399426	No	Greater Melbourne Police Athletic League	B19MC120032	EN	05D	LMC	\$20,000.00
								05D	Matrix Code	\$20,000.00
2018	6	424	6312576	No	South Brevard Women's Center	B18MC120032	EN	05G	LMC	\$777.46
2018	6	424	6332575	No	South Brevard Women's Center	B18MC120032	EN	05G	LMC	\$624.10
2018	6	424	6332575	No	South Brevard Women's Center	B18MC120032	PI	05G	LMC	\$73.77
2019	5	432	6381968	No	South Brevard Women's Center	B19MC120032	EN	05G	LMC	\$9,176.93
2019	5	432	6381968	No	South Brevard Women's Center	B19MC120032	PI	05G	LMC	\$9,896.76
2019	5	432	6397217	No	South Brevard Women's Center	B19MC120032	EN	05G	LMC	\$9,276.96
								05G	Matrix Code	\$29,825.98
2018	8	426	6312576	No	South Brevard Sharing Center	B18MC120032	EN	05Q	LMC	\$16,205.81
2018	8	426	6332575	No	South Brevard Sharing Center	B18MC120032	EN	05Q	LMC	\$1,650.88
2018	8	426	6334689	No	South Brevard Sharing Center	B18MC120032	EN	05Q	LMC	\$2,164.81
								05Q	Matrix Code	\$20,021.50
2019	1	434	6397217	No	Daily Bread	B19MC120032	EN	05X	LMC	\$351.80
								05X	Matrix Code	\$351.80
				No	Activity to prevent, prepare for, and respond to Coronavirus					\$92,811.44
Total										\$92,811.44

LINE 37 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 37

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2018	3	421	6312576	Planning and Administration	21A		\$7,756.17
2019	3	429	6334689	Planning & Administration	21A		\$7,572.73
2019	3	429	6336010	Planning & Administration	21A		\$10,249.28
2019	3	429	6352287	Planning & Administration	21A		\$11,672.62
2019	3	429	6360827	Planning & Administration	21A		\$9,822.99
2019	3	429	6365901	Planning & Administration	21A		\$9,605.76
2019	3	429	6384401	Planning & Administration	21A		\$2,859.74
2019	3	429	6389997	Planning & Administration	21A		\$7,019.68
2019	3	429	6390618	Planning & Administration	21A		\$3,714.87
2019	3	429	6411997	Planning & Administration	21A		\$23,468.65
2019	3	429	6414995	Planning & Administration	21A		\$9,072.69
					21A	Matrix Code	\$102,815.18
Total							\$102,815.18



CITY OF PALM BAY
120 MALABAR RD SE

PALM BAY, FL, 32907

STATE OF WISCONSIN COUNTY OF BROWN:
Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

Legal Notices

as published in **FLORIDA TODAY** in the issue(s) of:

02/25/2021

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 25th of February 2021, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost: \$149.26
Ad No: 0004615944
Customer No: BRE-6CI213
This is not an invoice
of Affidavits 1

Ad#4615944 02/25/2021
CITY OF PALM BAY
REQUEST FOR PUBLIC COMMENT
PY 2019 CONSOLIDATED ANNUAL PERFORMANCE
AND EVALUATION REPORT (CAPER)
(from 10/1/2019 - 9/30/2020)

The City of Palm Bay has prepared its PY 2019 Consolidated Plan Performance Report (CAPER) for the year October 1, 2019 to September 30, 2020 for the Federal Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383).

The report information includes: 1) Details of funds received from HUD for the Community Development Block Grant (CDBG) Program and use of Brevard County HOME funds; 2) Summary of resources and accomplishments; 3) Status of actions taken during the year to implement the goals outlined in the Consolidated Plan; and 4) Evaluation of the progress made in addressing identified priority needs and objectives.

The City of Palm Bay will hold a Public Hearing to review the CAPER and to receive public comments at the regularly scheduled City Council Meeting to be held on Thursday, March 18, 2021 at 7:00 PM in Council Chambers, Palm Bay City Hall, 120 Malabar Road SE, Palm Bay, Florida 32907.

Persons with disabilities requiring special accommodations to participate in the Public Hearing or persons requiring information in a language other than English should call Sandra Urban, Housing Administrator, at 321-726-5616 or 7-1-1 (Florida Relay Services) at least forty-eight (48) hours prior to the Public Hearing.

In addition, the regulations at 24 CFR 91.105 require a public comment period of not less than 15 days. Therefore, the City is making this report available to the public for comment between February 25, 2021 to March 16, 2021. Interested persons are encouraged to provide written comment to:

Sandra Urban, Housing Administrator
City of Palm Bay
120 Malabar Road SE,
Palm Bay, FL 32907
sandra.urban@palmabayflorida.org

All comments received by March 16, 2021 will be considered. City Council will take action on the proposed Consolidated Plan Performance Report (CAPER) for the year October 1, 2019 to September 30, 2020 at its meeting scheduled for Thursday, March 18, 2021 at 7:00 PM in City Council Chambers, Palm Bay City Hall, 120 Malabar Road SE, Palm Bay, FL 32907.

This report will be submitted to the Department of Housing and Urban Development on March 30, 2021. Any comments received after this report is submitted will be forwarded to HUD to be made a part of the report.

KATHLEEN ALLEN
Notary Public
State of Wisconsin



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 3/18/2021

RE: Appointment of one (1) member to the Sustainability Board.

As you may recall, Amy Ford resigned from the above subject Board. The vacancy has been announced at several regular Council meetings and applications have been solicited for same.

The following applications have been received:

Richard Follet
2180 Beekman Street, NE 32905

Rebecca Ziegler
657 Evergreen Street, NE 32907

Kevin Smith
791 Montrose Street, SE 32909

REQUESTING DEPARTMENT:
Legislative

FISCAL IMPACT:
None

RECOMMENDATION:
Motion to approve the appointment of one (1) member to serve on the Sustainability Board.

ATTACHMENTS:

Description

R.Follet

R. Ziegler

K. Smith



APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee:

Full Name:

Home Address:

City:

Zip Code:

Telephone Number:

Fax Number:

Email Address:

EMPLOYMENT

Employer:

Occupation:

Address:

City:

State:

Zip Code:

Telephone Number:

Fax Number:

Email Address:

Job Responsibilities:

EDUCATION

High School Name:

Location:

Years Completed:

Major/Degree:

College Business or Trade School:

Location:

Years Completed:

Major/Degree:

Professional School:

Location:

Years Completed:

Major/Degree:

Other:

Location:

Years Completed:

Major/Degree:

APPLICANT INFORMATION

Have you ever held a business tax receipt? Yes No *If yes, please provide the following:*

Title:

Issue Date:

Issuing Authority:

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action:

Disciplinary Date:

Are you a resident of the City? Yes No *If yes, how long?* Years Months

How long have you been a resident of Brevard County? Years Months

Are you a United States citizen? Yes No

Are you a registered voter of the City? Yes No

Are you employed by the City? Yes No *If yes, what department?*

Do you presently serve on a City board(s)? Yes No *If yes, please list board(s):*

Have you previously served on a City board(s)? Yes No *If yes, please list board(s):*

Are you currently serving on a board, authority, or commission for another governmental agency?

Yes No *If yes, what board(s):*

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest) to a criminal charge? Yes No *If yes, what charge:*

Where:

When:

Disposition was: Convicted Pled Guilty Pled No Contest

Have your civil rights been restored? Yes No

Are you a member or participant of any community organizations? Yes No

If yes, please list:

What are your hobbies / interests?

Why do you want to serve on this board / committee?

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race:

Gender:

Physically Disabled:

APPLICATION CERTIFICATION

By filing this application with the City of Palm Bay and placing my signature below, I do hereby acknowledge the following:

1. This Application, when completed and filed with the Office of the City Clerk, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and is open to public inspection.
2. I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the City Clerk.
3. I consent to filing the Statement of Financial Interests if required for this board.
<http://www.ethics.state.fl.us>
4. If appointed to a board/committee, I acknowledge that it is my obligation and duty to comply with the following:
Code of Ethics for Public Officials (Florida Statutes, Chapter 112, Part III)
Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature:

Date:

Mail the application to:

City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:

321-953-8971



Office of The

FEB - 9 2021

City Clerk

APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee:
Full Name:
Home Address:
City: Zip Code:
Telephone Number: Fax Number:
Email Address:

EMPLOYMENT

Employer: Occupation:
Address:
City: State: Zip Code:
Telephone Number: Fax Number:
Email Address:
Job Responsibilities:

EDUCATION

High School Name:
Location: Years Completed: Major/Degree:
College Business or Trade School:
Location: Years Completed: Major/Degree:
Professional School:
Location: Years Completed: Major/Degree:
Other:
Location: Years Completed: Major/Degree:

APPLICANT INFORMATION

Have you ever held a business tax receipt? ☐ Yes ☒ No *If yes, please provide the following:*

Title:

Issue Date: Issuing Authority:

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action: Disciplinary Date:

Are you a resident of the City? ☒ Yes ☐ No *If yes, how long?* Years Months

How long have you been a resident of Brevard County? Years Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No *If yes, what department?*

Do you presently serve on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Have you previously served on a City board(s)? ☐ Yes ☐ No *If yes, please list board(s):*

Sustainability Board

Are you currently serving on a board, authority, or commission for another governmental agency?

☐ Yes ☒ No *If yes, what board(s):*

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest) to a criminal charge? ☐ Yes ☒ No *If yes, what charge:*

Where: When:

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☐ No

Are you a member or participant of any community organizations? ☒ Yes ☐ No

If yes, please list: Florida Native Plant Society, Florida Audubon, Friendship Fellowship of Pineda

What are your hobbies / interests? Converting my turf-grass lawn to native and non-native gardens, walking
and bicycling local trails, kayaking, painting water colors, currently learning about permaculture

Why do you want to serve on this board / committee? To continue the work of the Board, complete the
plan and submit it to the City Council

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.


Race: white Gender: female Physically Disabled: ☐

APPLICATION CERTIFICATION

By filing this application with the City of Palm Bay and placing my signature below, I do hereby acknowledge the following:

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3. I consent to filing the Statement of Financial Interests if required for this board.
<http://www.ethics.state.fl.us>
4. If appointed to a board/committee, I acknowledge that it is my obligation and duty to comply with the following:
Code of Ethics for Public Officials (Florida Statutes, Chapter 112, Part III)
Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature:  Date: Feb 09, 2021

Mail the application to:
City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:
321-953-8971

SUBMIT FORM



APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee:
Full Name:
Home Address:
City: Zip Code:
Telephone Number: Fax Number:
Email Address:

EMPLOYMENT

Employer: Occupation:
Address:
City: State: Zip Code:
Telephone Number: Fax Number:
Email Address:
Job Responsibilities:

EDUCATION

High School Name:
Location: Years Completed: Major/Degree:
College Business or Trade School:
Location: Years Completed: Major/Degree:
Professional School:
Location: Years Completed: Major/Degree:
Other:
Location: Years Completed: Major/Degree:

APPLICANT INFORMATION

Have you ever held a business tax receipt? ☐ Yes ☒ No *If yes, please provide the following:*

Title:

Issue Date: Issuing Authority:

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action: Disciplinary Date:

Are you a resident of the City? ☒ Yes ☐ No *If yes, how long?* Years Months

How long have you been a resident of Brevard County? Years Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No *If yes, what department?*

Do you presently serve on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Have you previously served on a City board(s)? ☐ Yes ☒ No *If yes, please list board(s):*

Are you currently serving on a board, authority, or commission for another governmental agency?

☐ Yes ☒ No *If yes, what board(s):*

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest)

to a criminal charge? ☐ Yes ☒ No *If yes, what charge:*

Where: When:

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☐ No

Are you a member or participant of any community organizations? ☐ Yes ☒ No

If yes, please list:

What are your hobbies / interests? Mountain Biking, Frisbee Golf, my kids, coaching basketball

Why do you want to serve on this board / committee? This board represents the type of work I have been doing for the past 15 years. As a new citizen to the area, I plan on staying for many years and want the best for my family moving into the future.

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race: Caucasian

Gender: Male

Physically Disabled: ☐

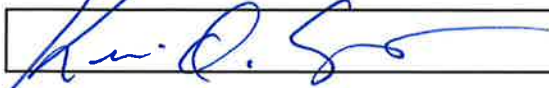
APPLICATION CERTIFICATION

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<http://www.ethics.state.fl.us>
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Code of Ethics for Public Officials (Florida Statutes, Chapter 112, Part III)
Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature:



Date:

2/2/21

Mail the application to:

City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:

321-953-8971

SUBMIT FORM



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 3/18/2021

RE: Appointment of one (1) adult member to the Youth Advisory Board.

The vacancy has been announced at several Council meetings and applications solicited for same.

The following application has been received:

Jacqueline Brathwaite-Yearby
1480 Denali Street, NE 32909

REQUESTING DEPARTMENT:
Legislative

FISCAL IMPACT:
None.

RECOMMENDATION:
Motion to approve the appointment of one (1) adult member to serve on the Youth Advisory Board.

ATTACHMENTS:

Description
J.Brathwaite-Yearby



Office of The

MAR - 1 2021

City Clerk

APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
 Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee: YOUTH Advisory Board
 Full Name: Jacqueline Brathwaite-Learby AKA Jackie Learby
 Home Address: 1480 Denali St SE
 City: Palm Bay Zip Code: 32909
 Telephone Number: 631-807-2974 Fax Number:
 Email Address: ~~ABG~~ ABGworks1@gmail.com

EMPLOYMENT

Employer: Bright Feats Disabilities Resource Occupation: Disabilities Resource Spec
 Address: Same
 City: Same State: Zip Code:
 Telephone Number: 631-807-2974 Fax Number:
 Email Address: Bright Feats Brevard@gmail.com
 Job Responsibilities: Director of SPACE Coast Bright Feats Disabilities Resource
at ABGworks Inc. Guide

EDUCATION

High School Name: Cathedral H.S.
 Location: NYC, NYC Years Completed: 4 Major/Degree: High School Diploma
 College Business or Trade School: SUNY old Westbury
 Location: Hicksville, NY Years Completed: 4 Major/Degree: BS - Accounting
 Professional School:
 Location: Years Completed: Major/Degree:
 Other: C.W. Post Graduate School/University
 Location: Brockville, NY Years Completed: 2 Major/Degree: MS - Interdisciplinary Studies

APPLICANT INFORMATION

Have you ever held a business tax receipt? ☐ Yes ☒ No If yes, please provide the following:

Title: _____

Issue Date: _____ Issuing Authority: _____

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action: _____ Disciplinary Date: _____

Are you a resident of the City? ☒ Yes ☐ No If yes, how long? _____ Years _____ Months

How long have you been a resident of Brevard County? 15 Years 3 Months

Are you a United States citizen? ☒ Yes ☐ No

Are you a registered voter of the City? ☒ Yes ☐ No

Are you employed by the City? ☐ Yes ☒ No If yes, what department? _____

Do you presently serve on a City board(s)? ☐ Yes ☒ No If yes, please list board(s): _____

Have you previously served on a City board(s)? ☐ Yes ☒ No If yes, please list board(s): _____

Are you currently serving on a board, authority, or commission for another governmental agency?

☐ Yes ☒ No If yes, what board(s): _____

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest) to a criminal charge? ☐ Yes ☒ No If yes, what charge: _____

Where: _____ When: _____

Disposition was: ☐ Convicted ☐ Pled Guilty ☐ Pled No Contest

Have your civil rights been restored? ☐ Yes ☐ No

Are you a member or participant of any community organizations? ☒ Yes ☐ No

If yes, please list: Member of Interagency Counsel of Brevard (ICB)

Bright Futures Disabilities Resource Guide; Angels Bridging Gaps

Disabilities Resources

What are your hobbies / interests? Helping to educate individual + families with disabilities about various community resources, which helping to create job opportunities for them while supporting our + youth teens by helping to provide volunteer groups + opportunities for them.

Why do you want to serve on this board / committee? My goal would be to help provide resource information, build community partnerships, and job opportunities for our youth in Palm

Section 760.80, Florida Statutes, requires certain information on statutorily ^{BAY} with + ^{with} created boards to be filed on an annual basis. Please complete the following. ^{disabilities}

Race: African-American Gender: Female Physically Disabled: No

APPLICATION CERTIFICATION

By filing this application with the City of Palm Bay and placing my signature below, I do hereby acknowledge the following:

1. This Application, when completed and filed with the Office of the City Clerk, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and is open to public inspection.
2. I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the City Clerk.
3. I consent to filing the Statement of Financial Interests if required for this board.
<http://www.ethics.state.fl.us>
4. If appointed to a board/committee, I acknowledge that it is my obligation and duty to comply with the following:

Code of Ethics for Public Officials (Florida Statutes, Chapter 112, Part III)
Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>

5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature:

Joyce B. Burt-Jones

Date:

2/15/21

Mail the application to:

City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:

321-953-8971

SUBMIT FORM



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 3/18/2021

RE: Committee/Council Reports

Committee Reports:

Space Coast Transportation Planning Organization
Space Coast League of Cities
Tourist Development Council

Council Reports

REQUESTING DEPARTMENT:

Legislative



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Fred Poppe, Parks and Recreation Director

DATE: 3/18/2021

RE: Resolution 2021-15, naming two (2) baseball fields located at Fred Poppe Regional Park (Roberto Clemente Sports Complex) in honor of Jackie Robinson and Hank Aaron. (Councilman Foster)

At the January 21, 2021 Regular Council Meeting, Councilman Randy Foster informed Council of his interest in working with staff to consider naming the baseball fields at the Fred Poppe Regional Park, Roberto Clemente Sports Complex, for baseball greats Jackie Robinson and Hank Aaron.

Jackie Robinson was the first African American to play in Major League Baseball and was the first African American to win Most Valuable Player. He was named Rookie of the Year and an All-Star for six consecutive years as well as playing in six World Series.

Hank Aaron is regarded as one of the greatest baseball players of all time and has been ranked in the "100 Greatest Baseball Players" by *The Sporting News*. He hit 755 career home runs and is still ranked second in history.

Both players are an inspiration to all that love the game. On February 2, 2021, the Recreation Advisory Board unanimously voted to recommend to City Council that the baseball fields at Fred Poppe Regional Park, Roberto Clemente Sports Complex, be named for Jackie Robinson and Hank Aaron.

REQUESTING DEPARTMENT:

Parks & Recreation

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to approve naming the baseball fields at Fred Poppe Regional Park for Jackie Robinson and Hank Aaron.

ATTACHMENTS:

Description

**Park and Facilities Naming Guidelines
Resolution 2021-15**

PARKS AND RECREATIONAL FACILITIES, NAMING

NAMING PARKS AND FACILITIES

The City Council adopted the Palm Bay Recreation Advisory Board's recommended criteria and guidelines for naming public parks and recreational facilities within the City. (RCM 2003-06; 02-06-03)

CRITERIA AND GUIDELINES

A. Written recommendations, petitions, etc. requesting the naming of a park site or recreation facility are to be submitted to the Palm Bay Recreation Advisory Board for consideration. The Board will review the request and make a recommendation to the City Council. If more than one recommendation for a name is received, the names will be prioritized by the Board in its recommendation to Council.

B. The Board will consider all proposals and make a recommendation to Council as to whether the requested name should be approved or rejected. The Council shall make the final decision.

C. Names proposed for a park site or recreational facility shall adhere to one or more of the following categories:

- 1) Honoring a Living Person – A living person whose contribution or significant gift is of the most extraordinary nature;
- 2) Memorializing a Deceased Person – An individual whose service or gift to the parks/recreation system was extraordinary, and a period of at least twelve (12) months has passed from the time of the person's death;
- 3) Services Rendered – A name which reflects the nature of the services logically rendered at the park or facility;
- 4) Geographic Location – Immediate geographic location logically associated with the park or facility;
- 5) History – An historical person, place, culture, or event logically associated with the physical location;
- 6) Donor – The name of the donor or a name specified by a donor who donated the land or facility to the City;
- 7) Group Recognition – An organization for outstanding contributions and services to the community;
- 8) Geography – A geographical characteristic of the park or facility with special consideration given to archeology, geology, topography, botany, zoology, or man-made geographical characteristics;
- 9) Adjacent Street, School, Subdivision – A street, school, or subdivision adjacent to the park or facility.

D. Renaming a Park or Facility. Out of respect for the current name, only under extraordinary conditions (shortened, inappropriate, ineffectual names) will a park or facility be renamed.

E. Plaques, Markers, Memorials, or Identifying Structures– Recognition structures must complement existing signage. Costs and maintenance of the structures will be determined by the City Council. Structures should designate history related to the park or facility or recognize groups or individuals who contributed significantly through donations or their efforts to the City.

RESOLUTION

Upon approval by the City Council of a name for a park or facility, a resolution shall be adopted to officiate Council's action.

RESOLUTION 2021-15

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, NAMING TWO (2) BASEBALL FIELDS LOCATED AT FRED POPPE REGIONAL PARK IN HONOR OF JACKIE ROBINSON AND HANK AARON; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 4, 2018, the City Council adopted Resolution 2018-01, naming the baseball complex located at Fred Poppe Regional Park for Roberto Clemente Walker, which includes two (2) baseball fields and four (4) softball fields, and

WHEREAS, Councilman Randy Foster has requested that the two (2) baseball fields be named for Jackie Robinson and Hank Aaron, and

WHEREAS, Jackie Robinson was the first African American to play in Major League Baseball and was the first African American to win Most Valuable Player. He was named Rookie of the Year and an All-Star for six consecutive years as well as playing in six World Series, and

WHEREAS, Hank Aaron was regarded as one of the greatest baseball players of all time and was ranked in the “100 Greatest Baseball Players” by *The Sporting News*. He hit 755 career home runs and was still ranked second in history, and

WHEREAS, on February 2, 2021, the Recreation Advisory Board voted unanimously to recommend City Council name the fields for Jackie Robinson and Hank Aaron, and

WHEREAS, the Parks and Recreation Department supports the naming requests.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this resolution.

SECTION 2. The City Council of the City of Palm Bay hereby formally names the two (2) baseball fields located at the Roberto Clemente Sports Complex in honor of Jackie Robinson and Hank Aaron.

SECTION 3. This Resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2021- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2021.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Joan Junkala-Brown, Community & Economic Development Director

DATE: 3/18/2021

RE: Consideration of Letters of Intent for the purchase of three (3) parcels known as Pelican Harbor Marina.

The City has received letters of intent (LOI) for three parcels (tax accounts 2832794, 2832801 and 2832800) totaling 7.39 acres which make up Pelican Harbor Marina, parcels jointly owned by the Bayfront CRA and City of Palm Bay. These parcels are zoned Bayfront Mixed Use Village (BMUV) which allows for a “ functional mix of residential, office, neighborhood supporting commercial, institutional, and other similar low intensity land uses that are linked by a network of walkways to create a village center as recommended in the Bayfront Redevelopment Plan.”

An appraisal conducted by W. H. Benson & Company in July 2019 provided an appraised value of \$2,403,000 (\$1,450,000 for 4220 Dixie Highway NE and \$953,000 for 2920 Pospisil Avenue and the adjoining parcel). The Broker Presentation provided by RMA suggests an “as-is” listing price of \$1.8 million using comparable properties and factoring in other extraordinary assumptions to include lack of an environmental study as well as the uncertainty of the condition of the existing roof given the observance of minor leaks.

On October 3, 2019, the City entered into a Submerged Lands Lease Agreement with the State of Florida for use of approximately 25,079 square feet or 0.576 acres of submerged lands located at 4220 Dixie Highway NE. The City pays an annual lease fee of \$4,432.79 to the State, which allows the City to retain its improved property containing docks and 57 boat slips. The City is not currently allowing use of docks and boat slips as it does not carry insurance for such. The City is not permitted without prior written consent of the State to reassign or transfer the lease agreement to another party.

Staff has advised RMA that the community, the Bayfront CRA and City's is seeking mixed-use waterfront commercial development to include at least a waterfront restaurant, retail and marina use. Staff also shared the City's desire to retain public access along the water and future consideration for the construction of a boardwalk connecting the sidewalk along US 1 (extending north to Castaway Point Park) to Pollack Park boat ramp, which is situated immediately west of the FEC railroad. Additionally, staff advised RMA that the current tenant, Paddling Paradise, is seeking to remain on site, if possible, and has asked staff to communicate that to all potential buyers for consideration.

The City has received several LOIs from for consideration. It is important to note that the LOI is solely for the

purpose of reaching an agreement between the seller (CRA and City) and buyer/developer and is not binding to either buyer or seller. Staff has preliminarily conducted due diligence on the buyers to ensure that the entity is legally established, in good standing and is a viable entity for which the City can expect reasonable follow-through.

Staff is recommending that the Bayfront CRA and City Council consider all LOIs and advise on which interested buyers the City should engage. Staff believes that each LOIs being presented will prove the highest and best use for the property, aligns with Council's vision for the Bayfront area and would serve as a catalyst for future development and establishment of a downtown commercial waterfront district.

REQUESTING DEPARTMENT:

Community & Economic Development

FISCAL IMPACT:

There is no fiscal impact at this time.

RECOMMENDATION:

Motion to authorize the City Manager to execute Letters of Intent at City Council's discretion and to engage in further discussions with the buyer to bring back an offer to Council for future consideration.

ATTACHMENTS:

Description

LOI (ADELON Capital)

March 5th, 2021

Joan Junkala-Brown
Director
Community & Economic Development City of Palm Bay

RE: Letter of Intent (LOI) - Vacant Land - City of Palm Bay Town Center (+/- 7.84 acres) Parcel ID: 28-37-24-27-2-1, 28-37-24-27-2-8 and 28-37-24-27-2-8.014220 Dixie Highway NE / 2920-2932 Pospisil Avenue NE Palm Bay, FL 32905 (the "Property")

Dear Joan,

The purpose of this Letter of Intent is to indicate ADĚLON Capital's interest in acquiring the subject property and to set forth some of the basic terms and conditions of the proposed Purchase and Sale Agreement (the "Contract") between ADĚLON Capital, and their successors and or a New Entity to be formed and/or assigns (the "Buyer") and the undersigned Seller (the "Seller"). The Buyer proposes hereby to enter into a Contract for the below referenced property and/or properties with the Seller under the following terms and conditions:

1. **Buyer:** ADĚLON Capital and or a New entity to be formed
1955 Harrison Street
Hollywood, FL 33020
2. **Seller:** City of Palm Bay / Bayfront Community Redevelopment Agency
120 Malabar Road
Palm Bay, FL 32907
3. **Property:** The "Property" is owned by the City of Palm Bay / Bayfront Community Redevelopment Agency and is located at 4220 Dixie Highway NE and 2920-2932 Pospisil Avenue NE, Palm Bay, FL 32905 (Exhibit A).
4. **Purchase Price:** The Purchase Price for the property shall be \$1,800,000 (One Million Eight Hundred Thousand Dollars).
5. **Proposed development:** This Is Intended to be a mixed-use project Including but not limited to: multifamily, hotel, retail (close to the Marina) and renovations of the Marina. Seller and buyer shall have 45 days to discuss the details of this proposal.
6. Details of this acquisition shall be discussed and approved by seller and buyer within 45 days.

Sincerely,



Agreed and Accepted: **BUYER**

By: Adelon Capital

Printed: Jonathan Cohen

Date: March 5th , 2021

Agreed and Accepted: **SELLER**

By: _____

Printed: _____

Date: _____

Exhibit A





LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Frank Watanabe, Public Works Director, City Engineer

DATE: 3/18/2021

RE: Consideration of the GO Road Bond Paving Program – Phase 3, including the addition of Madden Avenue in Unit 49 (\$44,030,177).

At the February 22, 2021 Infrastructure Advisory and Oversight Board (IAOB) meeting, the Board approved to endorse the attached map showing the units for the Phase 3 Paving Program. The endorsement includes the following Units: 13, 14, 22, 30, 37, 48 and 57. Additionally, the board approved to endorse the paving of Madden Avenue for the entire length in Unit 49, leaving the rest of the Unit in Phase 5. The total miles for the Units in the endorsed Phase 3 is 111.1 miles and Madden Avenue is an additional 3.63 miles for a total of 114.73 miles. These Units have a lower Pavement Condition Index (PCI). The PCI rating provides for a measurement of the distressed pavement condition from a scale of 0 to 100. 100 is the best and 0 the worst condition. The preliminary cost for Phase 3 is \$42,070,644 and the preliminary cost for Madden Avenue is \$1,959,533 which is a total of \$44,030,177 which includes the surveying, engineering design, permitting, geotechnical support and construction engineering inspections.

REQUESTING DEPARTMENT:

City Manager's Office, Public Works, Finance

FISCAL IMPACT:

The fiscal impact for Phase 3 of Road Bond Program is an estimated \$42,070,644, plus the estimated cost of \$1,959,533 for the addition of Madden Avenue. The total appropriation for Phase 3 is \$44,030,177. Funding is available in the 2021 GO Road Bond Program Fund and will be appropriated to G/L 310-7090-541-6303, various project numbers upon approval.

RECOMMENDATION:

Motion to approve the GO Road Bond Phase 3 Paving Program with the addition of Madden Avenue in Unit 49.

ATTACHMENTS:

Description

Phase 3 Units w_out 49

Public Works Department

Road Paving Proposed Phase 3



Drawn: 22 Feb 2021